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**UNCLASSIFIED**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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IN RE: JOHN DOE  
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~~SECRET~~

Grand Jury No. 03-3  
3rd & Constitution, N.W.  
Washington, D.C. 20001

Friday, March 5, 2004

The testimony of I. LEWIS LIBBY was taken in the  
presence of a full quorum of the Grand Jury, commencing at  
10:40 a.m., before:

RON ROOS  
Deputy Special Counsel  
United States Department of Justice

PETER ZEIDENBERG  
Deputy Special Counsel  
United States Department of Justice

KATHLEEN M. KEDIAN  
Deputy Special Counsel  
United States Department of Justice

PATRICK FITZGERALD  
Special Counsel  
U.S. Attorney's Office, Chicago

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P R O C E E D I N G S

1  
2 Whereupon,

3 I. LEWIS LIBBY  
4 was called as a witness and, after first being duly sworn by  
5 the Foreperson of the Grand Jury, was examined and testified  
6 as follows:

7 EXAMINATION

8 BY MR. FITZGERALD:

9 Q. And Mr. Libby, if you could state your name for the  
10 record and spell your name?

11 A. I. Lewis, L-e-w-i-s; Libby, L-i-b-b-y.

12 Q. And do you have a nickname?

13 A. I do.

14 Q. Okay. And that is --

15 A. "Scooter".

16 Q. Okay. And can you give us a brief description of  
17 how you got the name "Scooter" so no one spends their time  
18 thinking about that?

19 A. Are we classified in here? It's -- my family is  
20 from the south and it's less, it's less uncommon than it is up  
21 here.

22 Q. Okay. Good morning. There's a glass of water in  
23 front of you. That's not from a prior witness, so feel free  
24 to use it.

25 A. Thank you.

1 Q. Let me just introduce myself again. My name is Pat  
 2 Fitzgerald. I'm a Special Counsel in this matter, joined by  
 3 other attorneys with the Special Counsel's Office seated at  
 4 the table. And this Grand Jury is investigating possible  
 5 offenses of different laws that include Title 50 of the United  
 6 States Code, Section 421, which concerns the disclosure of the  
 7 identity of a covert agent; Title 18 of the United States  
 8 Code, Section 793, which is the illegal transmission of  
 9 national defense information; or Title 18, Section 641, theft  
 10 of government property; or Title 18 United States Code,  
 11 Section 1001, false statements. That means that this Grand  
 12 Jury is investigating those offenses. It doesn't mean there's  
 13 any determination been made whether or not those offenses have  
 14 been committed. I can also tell you that a Grand Jury is  
 15 entitled to charge any other offense that they determine has  
 16 been committed if they learn about that offense during the  
 17 course of this investigation. But generally the investigation  
 18 concerns the possible illegal disclosure of classified  
 19 information. Do you understand the general nature of the  
 20 investigation?

21 A. I do, sir.

22 Q. I should tell you that you have a constitutional  
 23 right to refuse to answer any question if a truthful answer  
 24 would tend to incriminate you. Do you understand that you  
 25 have that right?

1 A. I do, sir.

2 Q. And you should understand that if you choose to  
3 answer questions, any answer that you do give can be used  
4 against you by the Grand Jury or in any other legal  
5 proceeding. Do you understand that?

6 A. I do.

7 Q. And you should understand that if you choose to  
8 answer questions, you could stop at any time and decide not to  
9 answer any further questions based upon your Fifth Amendment  
10 privilege. Do you understand that?

11 A. I do, sir.

12 Q. In simple terms, just because you answer a hundred  
13 questions doesn't mean you have to answer the next question.  
14 Do you understand that?

15 A. I do.

16 Q. And you have a right to consult with an attorney,  
17 and if you could not afford an attorney one could be appointed  
18 by the Court for you. Do you understand that?

19 A. Yes, sir.

20 Q. And in fact, you are represented by an attorney. Is  
21 that correct?

22 A. That is correct.

23 Q. And could you just state your attorney's name and  
24 spell his last name?

25 A. Joseph A. Tate, T-a-t-e.

1 Q. And is he in the building today?

2 A. He is.

3 Q. And you understand that the Grand Jury will allow  
4 you a reasonable opportunity to leave if you need to consult  
5 Mr. Tate prior to answering any questions. Do you understand  
6 that?

7 A. I do, sir.

8 Q. And, and are you an attorney yourself?

9 A. I am.

10 Q. And do you understand that any testimony that you  
11 give is under oath and that if you make any deliberate false  
12 statement about a material or important fact, you could be  
13 prosecuted for perjury? Do you understand that?

14 A. I do understand that.

15 Q. And what that means is that if someone were to make  
16 a false statement they should assume that anything we ask  
17 about during the course of today's Grand Jury is something  
18 that is material or important to that investigation. You  
19 understand that?

20 A. Yes, sir.

21 Q. And because it's critical for the Grand Jury to know  
22 all the facts, witnesses may not know the context for a  
23 question, so they should assume that it's important to the  
24 Grand Jury.

25 A. Yes, sir.

1 Q. And I'll give you a brief example which we discussed  
2 prior to your coming in with your attorney, which is that if  
3 we were investigating a fatality involving a car, we might  
4 want to find out whether it was an accident or foul play, and  
5 if a witness knew about a person involved in the accident  
6 having an argument just prior to the, the traffic fatality,  
7 they should tell the authorities about the argument and not  
8 think ahead and think that it puts their friend in a bad  
9 light. They should just state the facts and let the  
10 authorities decide what really happened. Do you understand  
11 that?

12 A. Yes, sir.

13 Q. And you also understand that we may ask questions  
14 about state of mind, which is what people thought, believed or  
15 understood, and that may be important to the Grand Jury in  
16 order to determine motivation?

17 A. Yes, sir.

18 Q. And if, if someone does commit a false statement or  
19 commit perjury, they could be prosecuted by up to five years  
20 in jail for each such false statement. Do you understand  
21 that?

22 A. Yes, sir.

23 MR. FITZGERALD. And I will remind you, as I remind  
24 the Grand Jury, that it's important to tell witnesses what the  
25 consequences are for perjury so that we make sure that all

1 witnesses understand the seriousness of the proceeding. We  
2 are not at all prejudging any witness by telling them what  
3 their obligations are and you shouldn't take my advising Mr.  
4 Libby of those obligations as any indication by us that we're  
5 prejudging whether a witness will be truthful or not.

6 BY MR. FITZGERALD:

7 Q. And I will also tell you, as you were advised prior  
8 to coming in, in the presence of your attorney, that based  
9 upon your conduct in this investigation and in particular  
10 contact with reporters, you, among others, are a subject of  
11 the investigation. And that does not mean that anyone has  
12 decided to charge you with any crimes, but just is to advise  
13 you of the serious nature of the proceeding. Do you  
14 understand that?

15 A. I do.

16 Q. And do you have any questions about the nature of  
17 the proceeding?

18 A. No, sir.

19 Q. And are you prepared to proceed?

20 A. I am.

21 Q. Okay. Why don't you tell the Grand Jury what your  
22 job titles are and then give us a brief explanation of what  
23 your duties are?

24 A. I have three job titles at the moment. One is  
25 Assistant to the President; one is Chief of Staff to the Vice-

1 | President; and the last is National Security Advisor to the  
2 | Vice President.

3 |           And as National Security Advisor to the Vice  
4 | President it's my job to advise him on issues of national  
5 | security, to meet with and represent him in inter-agency  
6 | meetings or occasionally meetings with outside parties to  
7 | describe his views or to learn from them, to gather  
8 | information to repeat back to him. It's part of my job to  
9 | listen to what other people in the White House are saying, to,  
10 | to meet with foreign leaders on occasion and to report those  
11 | things back to him. It's my job to work with the White House  
12 | staff, to be -- to develop policy and to implement policy, and  
13 | to take that information and go back and explain that to the  
14 | Vice President. Occasionally it's part of my job on his  
15 | behalf to talk with the press and to relay his positions to  
16 | the press if he so wishes or to other issues what the White  
17 | House is doing.

18 |       Q.    Okay. And so in effect, you're an assistant both to  
19 | the President himself directly and to the Vice President  
20 | himself?

21 |       A.    That is correct, sir.

22 |       Q.    And can you tell the Grand Jury what security  
23 | clearance level you have?

24 |       A.    I have a TS, Top Secret, and a secure  
25 | compartmentalized intelligence clearance, and clearances in

1 numbers of boxes along the way, numbers of compartmented  
2 intelligence.

3 Q. Okay. And can you tell us in the course of your  
4 daily work how much contact you have with the intelligence  
5 community and how much access you have to classified  
6 documents?

7 A. Oh, I have a lot of access to classified documents.  
8 I meet every morning -- my day usually starts at 7 o'clock in  
9 the morning, or sometimes a little earlier, and I'll get an  
10 intelligence briefing. I'll sit down with someone from the  
11 Agency, usually with the Vice President, and we have a book of  
12 intelligence that they provide with this, and he is there to  
13 answer questions from us and to take questions that we ask  
14 back to the Agency and get us further information. That  
15 meeting usually goes 30, 45 minutes. I also receive the  
16 product from the Agency that morning which can be -- I usually  
17 get a little extra, so it can be anywhere from 20 to 150 pages  
18 that I get every morning. Usually it's somewhere in the  
19 middle, 30, 40 pages.

20 Then during the day I attend meetings and frequently  
21 the Deputy or one of the top officials from the Intelligence  
22 Agency will be at that meeting and will discuss policy issues,  
23 Liberia, Haiti, Iraq, those sorts of things.

24 I also will occasionally be part of a principals  
25 meeting where the Director of Central Intelligence is present.

1 And during the day I will receive other written products from  
2 the Agency and go through those.

3 Q. And just so we're crystal clear, I think it's  
4 obvious, but when you refer to the Agency, you're referring to  
5 the CIA?

6 A. I'm sorry. Central Intelligence Agency.

7 Q. And that's fine. You can keep referring to the  
8 Agency. I just want to make that, that clear.

9 And do you, yourself, at times read the raw  
10 intelligence reports to see what's behind some of the  
11 summaries that you're given?

12 A. Yes.

13 Q. And does the Vice President do that as well?

14 A. Yes. Sometimes they're presented to us by the  
15 briefer and sometimes I will show him one that the briefer has  
16 shown me.

17 Q. And so is it, is it a practice with the people who  
18 are dealing with you on a regular basis to bring with them not  
19 just finished product but also to give you sometimes the raw  
20 documents behind that because of your interest in seeing them?

21 A. Occasionally. It's not all that common, but  
22 occasionally.

23 Q. With what frequency do you have contact with the  
24 press in your, in your job?

25 A. It, it goes in spurts. Usually there may be periods

1 when I don't see them. You know, when a reporter is doing a  
2 profile of the Vice President, for example, they will call our  
3 office. They, they call around to talk to kids he went to  
4 high school with, now they're no longer kids. They'll talk to  
5 family members, they want to talk to people he works with,  
6 they'll talk to other Cabinet officials. And one of the  
7 people they often like to talk to is me because I work with  
8 him every day. And they'll say, you know, sit down and say,  
9 what's it like? Usually these contacts will come through our  
10 press person. We have a -- I have an assistant who is charged  
11 with being in charge of relations with the press, and so we  
12 try and funnel most of those types of requests.

13 In addition, I'll get calls from reporters about  
14 things that they're hearing. You know, we hear the  
15 President's going to make a trip or something. And they'll  
16 call me and usually I'll defer that to somebody else. And  
17 then sometimes I am charged to go talk to the press about an  
18 issue along the way.

19 Q. And three questions. You mentioned there is someone  
20 on your staff who is charged with dealing with the press. And  
21 what is that person's name?

22 A. Currently it's a person named Kevin Kellums. Before  
23 Kevin Kellums it was someone named Cathie Martin, Catherine  
24 Martin, I guess. And before that, it was Mary Matalin.

25 Q. And at what point did Mary Matalin leave and did

1 Catherine Martin take over, approximately?

2 A. Well, Cathie worked as a Deputy to Mary before Mary  
3 left. I think Mary took us through the mid-term elections, so  
4 that would be November of 2002, and I think Mary left right  
5 about -- sometime in that period. Maybe somewhere between  
6 then and the New Year, I think, and Catherine just sort of  
7 took over.

8 Q. And you mentioned that sometimes you're charged with  
9 dealing with the press directly rather than through your press  
10 people. And who would tell you to do that?

11 A. Well, Cathie would recommend it usually and then I  
12 would talk to them. Occasionally somebody from the press that  
13 I know and they'd call, but usually I would have to talk to  
14 Cathie.

15 Q. And in your understanding, did you need to check  
16 with the Vice President in order to talk to the press and get  
17 authorization to talk --

18 A. I don't need to. Sometimes I do.

19 Q. And have there been occasions when the Vice  
20 President has told you that you are to speak to the press  
21 rather than other people?

22 A. Yes.

23 Q. And when you deal with the press, what is your  
24 understanding of the ground rules of what they can do with the  
25 information you share with them?

1           A.     Well, there are different ground rules.  There's on-  
2 the-record, which means they can quote me by name in the  
3 piece.  So they can say, Lewis Libby said such-and-such.

4                     And then there are other gradations after that.  One  
5 of them is background in which I think they -- this varies by  
6 reporter actually, but it usually means, I think, that they  
7 can say -- sometimes they call me a senior administration  
8 official, because they want to make their piece look  
9 important -- so they'll say senior administration official  
10 said such-and-such.

11                    There's something called deep background, which  
12 usually, I think, means they just get to say it as if somebody  
13 said it but they don't really tag it.  Some people use that to  
14 mean a government official, and sometimes these are actually  
15 negotiated, you know.  The press person will sit down and say  
16 here's what you can say about it.

17                    And then there's something called off-the-record.  
18 When you talk off-the-record it is supposed to not ever be  
19 repeated by the reporter to anybody, including their editors.  
20 They're supposed to -- it's something you tell them so they  
21 can get it in their head and it informs them as to what they  
22 can say, what they can ask about, but they're not supposed to  
23 go and repeat it to anybody, and they're not -- certainly not  
24 supposed to write about it.

25           Q.     Okay.

1           A.    They're not supposed to even call someone and say,  
2 you know, Libby told me in an off-the-record comment.  They're  
3 not supposed to do that.  They're just supposed to say, you  
4 know, I'm wondering about this, what about this, without  
5 citing it to anyone.  Sorry.

6           Q.    No.  And let me see if I can illustrate that with an  
7 example.  You mentioned that people may call you to ask if the  
8 President's going to be taking a trip.  And if the President  
9 were in fact taking a trip next week, and you spoke to a  
10 reporter on-the-record, is it fair to say that the reporter  
11 could say Lewis Libby told, you know, this reporter, quote,  
12 the President will be taking a trip to England next week?  Is  
13 that your understanding of on-the-record?

14          A.    That is on-the-record, although I might not confirm  
15 it for him, but I might say that's an NSC issue because it's  
16 the President traveling.  But if I did say to him, the  
17 President is traveling, they could then say, Lewis Libby said.

18          Q.    And that would be if you had an on-the-record  
19 conversation?

20          A.    Correct, sir.

21          Q.    If you had a background conversation that said --  
22 and it may be that this is a topic that you wouldn't discuss,  
23 traveling, just to use as a hypothetical, you said on  
24 background the President is traveling to England next week,  
25 they could write in the story, a senior administration

1 official said the President is traveling next week. Is that  
2 your understanding of --

3 A. Yes.

4 Q. -- on background?

5 A. Yes.

6 Q. And your understanding of deep background is that  
7 they could report in the story that, you know, the reporters  
8 have learned that the President is traveling to England next  
9 week, but not cite a senior administration official and  
10 certainly not quote you?

11 A. Yes, sir.

12 Q. And if it was deep background, the reporter could  
13 now know that the President was traveling to England next  
14 week, but they would not write that in the story, they could  
15 not tell their editors, but to the extent that they informed  
16 how they thought about the issues they were writing about,  
17 that information would be given to them on deep background.  
18 Is that your understanding?

19 A. I thought you asked about deep background just  
20 before that.

21 GRAND JUROR. Off-the-record.

22 MR. FITZGERALD. Oh, off-the-record. Thank you.

23 WITNESS. Off-the-record, they could, they could  
24 know it in their head but they couldn't call anybody, not just  
25 write about it. They couldn't call one of the other

1 government agencies and say, I understand that the President's  
2 taking a trip. They can just call -- they might call up and  
3 say, you know, what's the President doing next week? But  
4 they're not supposed to refer to it to anybody.

5 BY MR. FITZGERALD:

6 Q. Okay. So off-the-record is more even -- more  
7 stringently controlled than deep background?

8 A. Yes, sir. That's how I understand the terms.

9 Q. Okay. And do you have ground rules when you talk to  
10 reporters about how they would verify any quotes they might  
11 attribute to you either as by name or by senior administration  
12 official?

13 A. Yes. A, the ground rules may be set in the  
14 beginning of the conversation or as the conversation goes  
15 along sometimes you say to them, okay, this you can say on-  
16 the-record, and this you can't. This is for off-the-record or  
17 something else. Often when I deal with them, if you're asking  
18 about me personally, I often deal with a reporter and I say up  
19 front, everything I say in this conversation is off-the-  
20 record. If there's something I say that you would like to put  
21 into a question, or write into an article, call back, usually  
22 to Cathie Martin, or my press person, or Mary Matalin at that  
23 point, and she will then tell you if it's okay for you to use  
24 it or not. So usually I'm just strictly off-the-record.

25 Q. Okay. And do you ever have the reporters call you

1 back directly to verify a quote for something you gave them  
2 on-the-record or on background?

3 A. It probably has happened over the course of three  
4 years. It's not the normal, but it probably has happened.

5 Q. And in this case, one of the matters being focused  
6 on in this investigation is a column written by Robert Novak  
7 in July 14, 2003. I take it you're familiar with that column  
8 as we sit here today?

9 A. Yes, sir, I am.

10 Q. And there's some information contained in that  
11 article concerning the employment -- the alleged employment of  
12 former Ambassador Wilson's wife at the CIA. Do you know that  
13 fact that it's contained in the article?

14 A. Yes, sir, I know it's contained in the article.

15 Q. And were you a source for Mr. Novak about -- in that  
16 article about the employment of Mr. Wilson's wife at the CIA?

17 A. No, sir.

18 Q. Were you a source for any information for Mr. Novak  
19 in that article?

20 A. No, sir.

21 Q. Do you know if you spoke to Mr. Novak at or about  
22 the time the article was prepared?

23 A. I have, I have a recollection that I did speak to  
24 Mr. Novak once in that general time frame, but my notes  
25 indicate, notes that you have, indicate to me that in fact

1 that was a week and a half or so after the article appeared.

2 Q. Do you have any recollection of speaking to him  
3 before the article appeared?

4 A. Maybe a year and a half before the article appeared,  
5 but not any time near the article.

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19 Q. And to the extent that the Grand Jury is familiar  
20 with the, quote, sixteen words, closed quote, that have caused  
21 controversy since then, were you involved in either the  
22 drafting or vetting of those sixteen words?

23 A. No, sir, I don't think I was. It may have been in a  
24 draft that I saw, but I don't think so.

25 Q. And there's a document known as the NIE, the

1 National Intelligence Estimate, that concerned in part efforts  
2 by Iraq to obtain uranium. Did you review the NIE at some  
3 point in 2002 or 2003 concerning Iraq and efforts to get  
4 uranium?

5 A. Yes, sir.

6 Q. And do you recall whether or not there were any  
7 doubts expressed in the, in the NIE about the allegation that  
8 Iraq had tried to get uranium from Niger?

9 A. The NIE has a fairly clear declarative sentence in  
10 the section on uranium and Iraq, and it says something like,  
11 Iran (sic) began vigorously trying to procure uranium,  
12 something like pretty close to that. And that is unqualified  
13 in the section on uranium. There are some sections towards  
14 the back, and I'm sorry I haven't reviewed the document, and  
15 I'd be happy to look at it if you like, there are some  
16 sections towards the back in which State Department expresses  
17 some doubts about uranium. I think it had to do with whether  
18 or not someone could actually procure, actually get the  
19 uranium as opposed to trying to get uranium, if you follow  
20 what I mean. And I think they had some doubts -- well, that  
21 were unrelated about the rockets or the about the centrifuge  
22 tubes, whatever they proved to be. So that's my recollection.  
23 I could look at the document and tell you. But I recall that  
24 there was something in the back of the document, not in the  
25 section itself but way in the back.

1 Q. Okay. And do you know if that was -- just going  
2 from memory, whether the part in the back was in text or in a  
3 footnote, do you remember?

4 A. It's not a footnote in the sense that you or I use  
5 the term where there's a little -- you know, a little -- small  
6 little number six, and you go to the six at the bottom. I  
7 think it was in a blue box, if I recall, but I haven't looked  
8 at this in awhile. It might an appendix actually. I'm not  
9 sure if it was in the text or an appendix.

10 Q. And for the record, the document is not in front of  
11 you so we're just asking you your memory.

12 One clarification. In describing the NIE report you  
13 referenced Iran making efforts to get uranium. Did you mean  
14 to say Iraq?

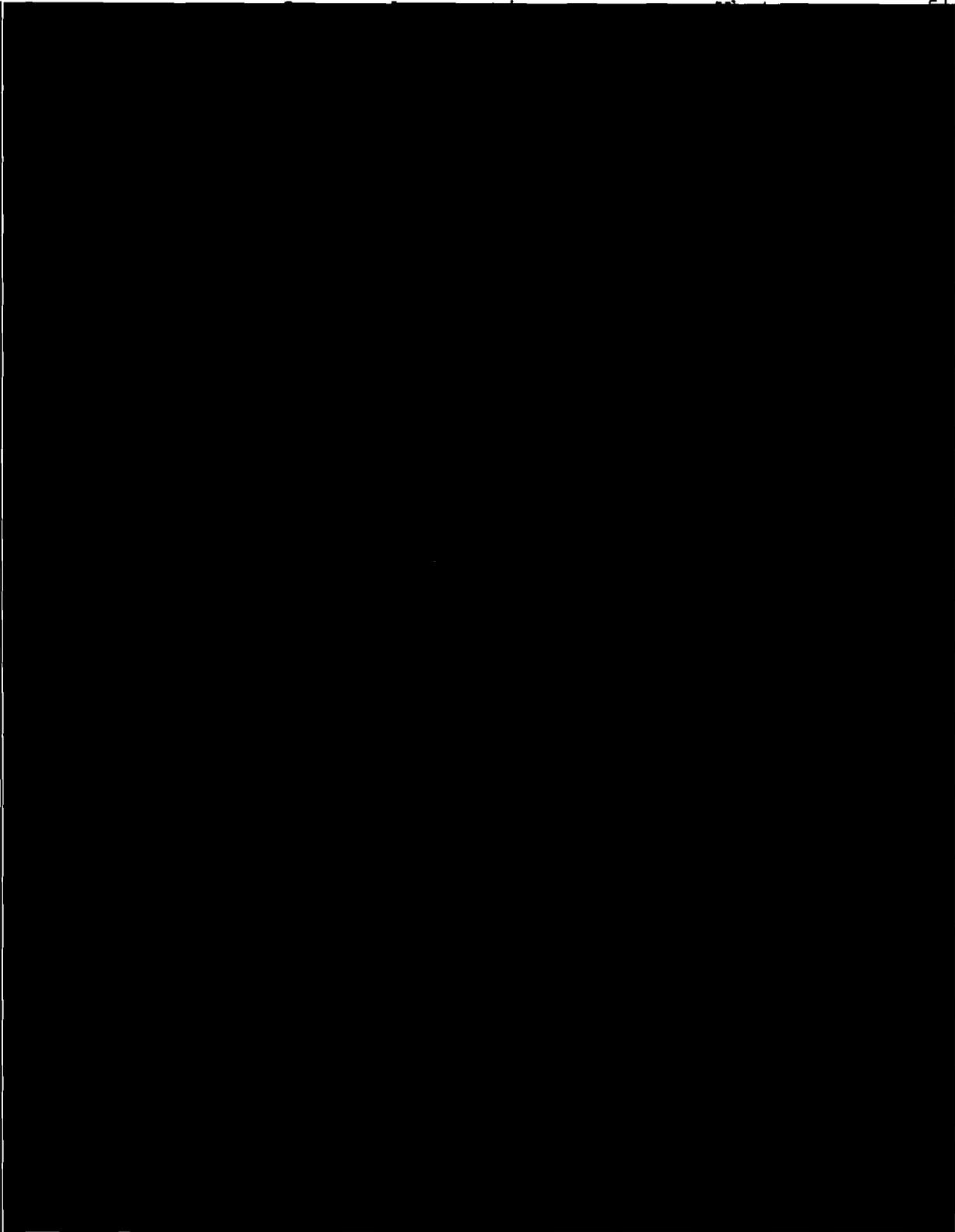
15 A. Excuse me.

16 Q. Okay. Your testimony is -- what your recollection  
17 is concerns Iraq, not Iran?

18 A. My, my apologies.

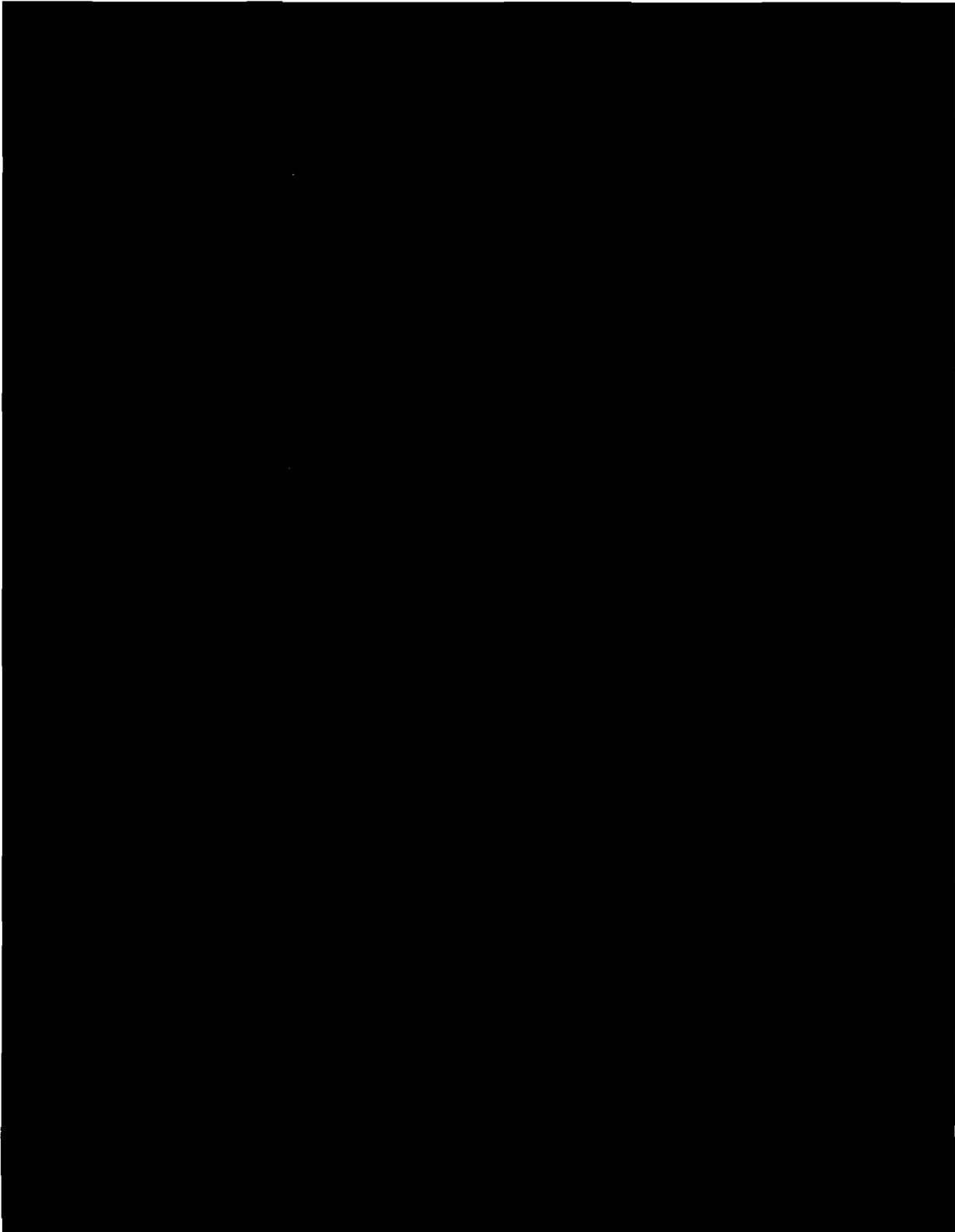
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11 Q. Okay. Let me direct your attention then forward to  
12 May, 2003, and in particular to an article that appeared in  
13 the New York Times on May 6, 2003 written by an author named  
14 Kristof, K-r-i-s-t-o-f. Do you recall that article being  
15 published in or about that time?

16 A. I do, sir.

17 Q. And do you recall how you first learned of it?

18 A. Someone came in and told me about it or I saw it  
19 flipping through the paper. I, I don't really recall.

20 Q. And do you recall reading it at or about the time it  
21 was published?

22 A. Yes.

23 MR. FITZGERALD. And why don't we put a copy of  
24 that article in front of you in case you need to refer to it?  
25 And for the record, that is Grand Jury Exhibit 3.

1 BY MR. FITZGERALD:

2 Q. And is it fair to say that in that article, the  
3 article is critical of the administration in terms of stating  
4 that, for example, one quote, "It's disingenuous for the State  
5 Department people to say they were bamboozled because they  
6 knew about this for a year," close quote?

7 A. That sounds critical. I haven't seen anything --  
8 one insider said?

9 Q. Yes.

10 A. Yes, so he is quoting somebody else, yes, sir.  
11 There is a not very nice statement in there.

12 Q. Okay. And is it fair to say that according to this  
13 article, the White House and State Department kept citing  
14 documents which proved to be a forgery?

15 A. Can you -- you're asking me what's in the --

16 Q. Yeah, well, let me ask you. Do you remember whether  
17 or not -- without reading it for a moment, whether this was an  
18 article that was very critical of the administration?

19 A. The article -- the bulk of what they were saying in  
20 the article is critical. Yes, sir.

21 Q. And do you recall they're criticizing, according to  
22 the article, and I'm not saying this is true or false, but the  
23 premise of the article was that the White House and the State  
24 Department had actual knowledge that documents that had been  
25 forged and kept citing them to the public, and that this was

1 | disingenuous on the part of the administration?

2 |       A.    I, I don't actually recall whether this article  
3 | said, said that, but I don't dispute it.  I just don't recall  
4 | it.  I haven't read it recently.

5 |       Q.    Do you recall any reaction that you had to the  
6 | article when you read it at the time?

7 |       A.    Yes.  I recall -- can I just glance at it for one  
8 | second?

9 |       Q.    Oh, yes.  You can read -- take a moment and read the  
10 | whole article.

11 |       A.    I mean, my major reaction to this article had to do  
12 | with this passage about being told that a person involved in  
13 | the Niger caper more than a year ago -- told the -- the person  
14 | involved in the caper, the caper more than a year ago said  
15 | that the Vice President's Office asked for an investigation of  
16 | the uranium deal.  That, that, either at the time, or  
17 | subsequently caught my eye.

18 |       Q.    And the article contends, for example, at a certain  
19 | point, quote, "There are indications that the U.S. government  
20 | souped up intelligence, leaned on spooks to change their  
21 | conclusions and concealed contrary information to deceive  
22 | people at home and around the world."  Do you see that in the  
23 | third paragraph?

24 |       A.    There are indications that the U.S. -- yes, I see  
25 | it.  And that's not good stuff.

1 Q. And then the sixth paragraph, is that a reference to  
2 what you were recalling, "I'm told by a person involved in the  
3 Niger caper that more than a year ago the Vice President's  
4 Office asked for an investigation of the uranium deal, so a  
5 former U.S. ambassador to Africa was dispatched to Niger. In  
6 February, 2002, according to someone present at the meetings  
7 that envoy reported to the CIA and State Department that the  
8 information was unequivocally wrong and that the documents had  
9 been forged." Is that, is that what stuck in your mind about  
10 an allegation that the Office of Vice President had --

11 A. Right, because that had to do basically with us. I  
12 do recall that.

13 Q. And who did you discuss this article with once you  
14 read it and saw that there were allegations that attacked the  
15 credibility of the President, the Vice President, State  
16 Department and basically the administration?

17 A. I discussed it with my Deputy, probably discussed it  
18 with the Vice President. I don't specifically recall  
19 discussing this back then. The article was a little bit of a  
20 sleeper from my point of view in the sense that it came out, I  
21 noted it, I didn't pay much attention to it for a while, and  
22 then it sort of built momentum as it went along. So the day  
23 or two that it came out, I don't recall talking about it all  
24 that much except I talked to my Deputy about it.

25 Q. And as you sit here today, you don't recall whether

1 or not you talked to the Vice President within a couple of  
2 days after the article came out?

3 A. I, I don't recall. It's -- I don't recall.

4 Q. And did the Kristof article, as you say, gain  
5 momentum over time?

6 A. Yes.

7 Q. Okay. And can you tell us what happened as it  
8 gained momentum over time in terms of who you spoke to?

9 A. Well, the, the content of it sort of kept coming up.  
10 It didn't go away readily. At some point in June Walter  
11 Pincus was thinking -- was doing -- was calling our office,  
12 calling probably Cathie Martin at that point, and wanted  
13 some -- to ask questions about the article. Well, about the  
14 substance of it. And so Cathie talked to me about it at that  
15 point, and at some point around then I talked to the Vice  
16 President about how we would respond to this. I also talked  
17 to -- at some point in this time frame I talked to our  
18 briefer, our Central Intelligence Agency briefer, to ask him  
19 if in fact we -- he had any record of us asking about this,  
20 and I talked to the Vice President about that fact somewhere  
21 in there too.

22 Q. And what's the name of your briefer?

23 A. Craig Schmall, at that point.

24 Q. And do you know how to spell the last name?

25 A. I think it's S-c-h-m-a-l-l.

1 Q. And do you know if during this time between the  
2 Kristof article in early May, and the Pincus article, which  
3 will eventually come out on June 12th, if you spoke to Marc  
4 Grossman from the State Department about the events described  
5 in the Kristof article?

6 A. I don't, I don't recall it. Secretary Grossman  
7 attends interagency meetings that I'm at, so I see him in that  
8 period, throughout that period probably once a week or more,  
9 but I don't recall a discussion with him about it.

10 Q. Do you recall if you ever asked Secretary Grossman  
11 whether or not the State Department had sent the former  
12 ambassador in response to a request from the Vice President?

13 A. The State Department had sent him?

14 Q. Yes.

15 A. No, I don't recall that.

16 Q. And do you recall whether or not Mr. Grossman ever  
17 told you that he understands that Wilson was claiming that the  
18 Vice President had sent him on this trip?

19 A. That was the claim in the Kristof article, if I  
20 recall, but I don't recall Mr. Grossman repeating it, or  
21 saying that he knew it of his own -- I just don't recall a  
22 conversation with Secretary Grossman about this.

23 Q. And do you know -- do you recall any conversation  
24 with Secretary Grossman about who was responsible for sending  
25 Wilson on this trip to Niger?

1 A. I, I don't recall a conversation with him about it.

2 Q. And do you know if you ever discussed with Secretary  
3 Grossman whether Wilson's wife worked at the CIA?

4 A. No, I don't recall ever discussing that.

5 Q. And is that something that you would remember if you  
6 had that conversation?

7 A. I, I don't recall the conversation. I, I just don't  
8 recall the conversation.

9 Q. You mentioned that there came a time when you talked  
10 to the Vice President about Walter Pincus' article. And can  
11 you tell us who was present when you talked to him and what  
12 was said?

13 A. I talked to him on the phone. I don't think it was  
14 anyone present when I spoke to him on the phone. He was  
15 relaying to me some information that he had learned in the  
16 first part of the conversation. And in the second part of the  
17 conversation he gave me instructions as to what I should, what  
18 I should say to reporters, and from the time frame I'm pretty  
19 sure we were talking about -- specifically about the Pincus  
20 article.

21 Q. And why don't you tell us, first, what information  
22 the Vice President told you he had learned, and then what he  
23 told you to do with it?

24 A. Okay. Well, I had some notes that I took down at  
25 that point. But my best recollection sitting here is that he

1 had been speaking to someone who was either from the CIA or it  
2 was someone who had spoken to someone from the CIA, and he was  
3 relaying to me what the CIA had said about how this came  
4 about. And it says something like -- my notes about it say  
5 something like, he was sent at our request, our behest or  
6 something, and then it says something about it being a  
7 functional office. So he told me that, that they had said  
8 that the person was debriefed in the region, if I was -- if I  
9 recall correctly, and that had made maybe -- hadn't made a  
10 written report, made an oral report, but there was a report,  
11 something along those lines. There are notes of this which I  
12 think you all have. Then he switched -- so he told me that.  
13 And in the course of describing this he also said to me in  
14 sort of an off-hand manner, as a curiosity, that his wife  
15 worked at the CIA, the person who -- whoever this person was.  
16 There were no names at that stage so I didn't know Ambassador  
17 Wilson's name at that point, or the wife's name. And I made a  
18 note of that also.

19 He then went on to say, here's what we'd like you to  
20 say to the reporters, I think it was Pincus, as I said before,  
21 and he gave me three points. The first point was that we did  
22 not request a mission to Niger. The second point, as I  
23 recall, was that we had not gotten a report back from the  
24 mission to Niger until -- or we hadn't seen any such report  
25 until after the State of the Union, when these newspaper

1 | articles started. And there was a third point which is  
2 | that -- I think, was that he had seen the National  
3 | Intelligence Estimate and that that's what he took to be  
4 | authoritative. I think those were the points. I remember  
5 | this from my notes more than actual recollection but I looked  
6 | at the notes in connection with this inquiry. He then said to  
7 | make these several points and I asked him if he also wanted me  
8 | to make an earlier point which he had made in the first half  
9 | of the conversation, which I think I omitted to tell you,  
10 | which was that the Office of the Vice President, the State  
11 | Department and the -- some other bureaucracy, maybe Defense  
12 | Department, had asked questions about this -- about an earlier  
13 | report about Niger, that it wasn't just the Office of the Vice  
14 | President asking questions. And I asked the Vice President --  
15 | I went ahead and numbered, I sort of numbered these as he was  
16 | talking to me, and I remember numbering that one the fourth  
17 | point and saying, do you want me to -- excuse me, should we  
18 | say, when I talk to the press that we were not the only office  
19 | asking this question? And he quite rightly said, no, we  
20 | shouldn't say that, that should be said by the Agency because  
21 | we didn't know that. That was all we knew was what we had  
22 | asked, and it would be better to get the State (sic)  
23 | Department spokesperson, who at the time was I think Bill  
24 | Harlow, to be the one who would say that to the press. And  
25 | that's about what I recall from the conversation, according to

1 the notes.

2 Q. And we'll go through the notes in a moment. You  
3 just referred to Bill Harlow as the State Department  
4 spokesperson.

5 A. I mis-spoke, I'm sorry. Central Intelligence Agency  
6 spokesperson. Thank you.

7 Q. Now, in -- you referenced that you recall the Vice  
8 President told you something about a functional office. Can  
9 you explain what you understood a functional office to mean?

10 A. The State Department and the agency, to my  
11 understanding, have regional offices, that is an office which  
12 focuses in a given region of the world such as the Middle East  
13 or Europe. They also have some offices which look globally at  
14 a type of problem like proliferation. Maybe there's one for  
15 ecology or something, I don't know. But anyway, one of the --  
16 a functional office, for instance on counterproliferation  
17 which is the one I think that was involved here, would have a  
18 global look at the problem. There might be a terrorism  
19 office, for example, that would look at terrorism globally.  
20 It would not be limited to Middle East or Southeast Asia, or  
21 Northeast Asia.

22 Q. And did you understand, when he told you that this  
23 former ambassador's wife worked at the CIA, do you have an  
24 understanding or whether or not she worked in that functional  
25 office?

1           A.    Well, that's interesting.  I'd have to look at the  
2 note.  I think -- my recollection is that I knew she worked in  
3 the function -- is that the note indicates I knew she worked  
4 at the functional office.

5           Q.    And we'll come back to the note in a minute.  Before  
6 we look at your actual notes, how certain are you from memory  
7 that the information about the wife working in the functional  
8 office at the CIA, the wife of this former ambassador, was  
9 information that Vice President Cheney imparted to you as  
10 opposed to information that you imparted to Vice President  
11 Cheney?

12          A.    Oh, I'm pretty certain of that.

13          Q.    And what makes you certain?

14          A.    I sort of remember him saying it, you know, in an  
15 off sort of curiosity sort of fashion.  That's my recollection  
16 of it anyway.

17          Q.    Okay.  And since we weren't there --

18          A.    And also since I wrote it down like that, it would  
19 indicate to me it was something I was taking down as he was  
20 speaking.  Sometimes I make my notes as he speaks.  Sometimes  
21 it turns out I didn't need to write it down, but I don't want  
22 to make him -- you know, he is the Vice President.  I don't  
23 want to make him take time to repeat himself, so I try and get  
24 some stuff and then if I figure it's not important, I can get  
25 rid of it later.

1 Q. And what was it about the way he discussed that fact  
2 with you that sticks in your mind or lets you know it was a  
3 curiosity or off-hand?

4 A. It came out of order. You know, he was going  
5 through the order, and as I recall, it came in later. And  
6 tone of voice, as I recall it. I think I'm recalling  
7 accurately.

8 Q. And what, what was different about the tone of  
9 voice?

10 A. Sort of the way -- it wasn't like the other tone of  
11 voices which was much more matter of fact and straight. It  
12 was just a little bit of a curiosity sort of thing.

13 Q. And not to mince words, but when he was curious, was  
14 he curious about it in a sort of a negative way? Did he think  
15 that was sort of odd that a former ambassador's wife worked in  
16 the functional office at the CIA?

17 A. I wouldn't say negative, but I would say it was a  
18 fact that, you know, it wasn't -- not everybody's wife works  
19 there, so it was a new fact, that's all.

20 Q. Did you take it -- have any understanding whether or  
21 not Vice President Cheney thought that that fact might have  
22 played into his selection as the envoy for this trip?

23 A. No, we didn't, we didn't discuss that. It was  
24 just -- he just said what he said.

25 Q. Did you take -- get any indication from the Vice

1 | President --

2 |       A.    You talking about in that conversation?

3 |       Q.    In that conversation.

4 |       A.    Yeah, I don't recall that.

5 |       Q.    And any indication in that conversation that the  
6 | Vice President thought this might be sort of nepotism that she  
7 | worked at the Counterproliferation Division and the envoy went  
8 | on this trip?

9 |       A.    I, I don't recall that.

10 |       Q.    Now, let me -- before I show you the notes, let me  
11 | go back in time to a conversation you said you had with the  
12 | briefer.

13 |       A.    With the what, I'm sorry?

14 |       Q.    With the briefer, Craig Schmall.

15 |       A.    Yes, sir.

16 |       Q.    Do you recall whether that took place before or  
17 | after the conversation you just described with the Vice  
18 | President?

19 |       A.    No, I think I have a date in my notes.  I don't  
20 | recall.

21 |       Q.    Okay.  And was that an in-person meeting with the  
22 | briefer, your daily meeting?

23 |       A.    I meet daily with him.  Whether I passed this  
24 | question to him in the briefing or over the phone, I'm not  
25 | sure.

1 Q. Okay. And do you know if the Vice President  
2 participated in this conversation or not?

3 A. I would think not. If it was, if it was in person,  
4 usually I don't take his time with questions. And my -- so my  
5 guess is that I would either do it on the side or before he  
6 got there in the morning. I don't usually ask the briefer  
7 questions and make him sit there while I ask a question. So  
8 my recollection of it would be that normally I don't do it  
9 that way.

10 Q. Okay. Let me show you a note that is Bates Stamped  
11 either 2307 or 2921. And --

12 MS. KEDIAN. 2307.

13 MR. FITZGERALD. 2307 --

14 MS. KEDIAN. We're going to mark this as Exhibit  
15 51.

16 BY MR. FITZGERALD:

17 Q. I'll ask you to look at that Exhibit, 51, and ask  
18 you if that's a note reflecting your conversation with the  
19 briefer, Craig Schmall, about your inquiry, your question?

20 A. Yes, sir.

21 Q. And is that your handwriting?

22 A. Yes, sir.

23 Q. And a couple of things. This is the first one of  
24 your notes we're taking a look at. Is it fair to say that you  
25 have your own little shorthand?

1 A. Yes, sir, my apologies.

2 Q. And yourself, you refer to yourself as SL?

3 A. Yes.

4 Q. And you refer to the Vice President in your notes  
5 with a Y with a line on the top of it?

6 A. Yes, sir.

7 Q. And some of your notes have a date. Can you tell  
8 the Grand Jury what the date is of these notes?

9 A. It looks like 6-9, June 9.

10 Q. And also, you refer at times to OVP in your notes?

11 A. Yes, sir.

12 Q. And what does OVP mean?

13 A. Office of the Vice President.

14 Q. And before we get into the substance of this note,  
15 what do you do with these notes after you, after you write  
16 them?

17 A. It depends. I have different types of notes that I  
18 treat differently.

19 Q. These types of notes, what would you do with them?

20 A. This type of note, looks like a note that I wrote to  
21 save -- so I probably wrote down the note --

22 Q. I'm going to put a different document -- I'm  
23 sorry -- I'm sorry --

24 A. This looks like a note that I wrote to save, I wrote  
25 and put in some file or something.

1 Q. And any particular reason you would do that? I'm  
2 trying to understand which -- what would cause you to write a  
3 note in your daily practice?

4 A. Normally what I do is I, I have -- as I say, I have  
5 different types of notes. One type of note I have are sort of  
6 action items that I'm going to take up with the Vice President  
7 that day. It may tend to look like a list and it can have  
8 anything on it, all sorts of different subject matters would  
9 be covered. So I could cover something -- as my Chief of  
10 Staff job I may have something about his residence, you know,  
11 there's a leak in the roof. Or I might have something about  
12 Iraq, or I might have something about tax policy, or  
13 Congressional, or an old friend of his. So it's just anything  
14 that I need to talk with him about that day, and I'll put all  
15 those down. Those notes I tend to throw out. But if I -- if  
16 there's something on there, written on there, that I think I  
17 need to save, I will copy that material or write it on a  
18 different sheet of paper and then save that page and then  
19 throw the other notes out so I don't have to struggle through  
20 all those old notes again.

21 Q. So for example, putting aside any personal matters  
22 you might have, like fixing a leak in the house, if you had a  
23 discussion about an upcoming trip overseas and it was in your  
24 list of things to sort of cover with the Vice President, if  
25 you covered that topic with the Vice President, would you

1 cross it off?

2 A. Usually.

3 Q. And if you --

4 A. Or sometimes I cross it off if I didn't cover it,  
5 but I don't think it's worth covering. Sometimes I write them  
6 down and decide, ah, it's not worth bothering with. Sometimes  
7 I don't get to talk to him about everything and a day or two  
8 might pass when I didn't get to that point, and then I'll just  
9 cross it off, you know, it's no longer important to raise with  
10 him. So crossing off is my way of saying to myself, I don't  
11 have to read that line again.

12 Q. Okay.

13 A. More than -- that he -- than I have discussed it  
14 with him.

15 Q. And if one of the things you do on a given day is  
16 then have meetings with the Deputies or principals meetings,  
17 will you take notes at those separate meetings?

18 A. Yes.

19 Q. And will you keep those notes?

20 A. Yes, sir.

21 Q. And this is a note that you kept from June 9th,  
22 2003. Anything about the topic that made you want to keep the  
23 note for your file?

24 A. Well, it was in the press at this point that we had  
25 purportedly made a request for this mission, and so I checked

1 with my CIA briefer and he told me there was no OVP request  
2 about this, so I wrote down what he told me so I'd have a  
3 record of it in case I forgot and wanted to check, I'd have  
4 something to check. So --

5 Q. Okay. And just transliterating this note, it says,  
6 Craig -- and that would be a reference to Craig Schmall?

7 A. Correct.

8 Q. It says, "No OVP request re uranium procurement."  
9 Is that your handwriting?

10 A. Correct.

11 Q. Is that what it says?

12 A. Yes, sir.

13 Q. And then above "uranium procurement" it says -- is  
14 that year after yellowcake?

15 A. No, that's Iraq and Africa yellowcake. Is that what  
16 you're asking?

17 Q. Okay, yes.

18 A. I apologize. I will apologize repeatedly today for  
19 my handwriting and my little symbols.

20 Q. Okay, so that Q is Iraq?

21 A. Yes, sir.

22 Q. And the A --

23 A. It's an AFR for Africa.

24 Q. Africa yellowcake?

25 A. I think so.

1 Q. And then below it, it has a dash. Is that SL -- is  
2 that Scooter Libby or the Vice President --

3 A. That's correct, yes.

4 Q. And then below that it says, was DR request in 3-03?

5 A. There was a -- DR is Secretary of Defense Donald  
6 Rumsfeld, and that he apparently -- according to Craig he had  
7 made a request in March of '03.

8 Q. And so does this indicate to you that it was on June  
9 9th that you made the request for the briefer, Craig Schmall,  
10 to find out whether or not the Vice President's Office was  
11 responsible for this request for a mission?

12 A. Maybe. Let me -- if I can explain?

13 Q. Sure.

14 A. If I took this note directly, that would indicate it  
15 was on June 9. If, what I did, is I wrote this note down in  
16 my list of action items, then June 9 might be the date that  
17 the action item -- the date of the listing in the action  
18 items.

19 MR. FITZGERALD. Okay. Now, let me show you what  
20 is -- we have the Bates Stamp No. 3079.

21 MS. KEDIAN. And this will be marked Exhibit 52.

22 BY MR. FITZGERALD:

23 Q. And for the record, some of the copies we're showing  
24 you have an unusual marking at the top that's not an official  
25 classification which is being addressed, but I can assure you

1 | there's no -- nothing sensitive in here that the Grand Jury  
2 | can't see. So --

3 | A. Thank you, sir.

4 | Q. -- that shouldn't be a distraction. Okay. And if  
5 | you look at that document, is that also dated June 9, '03?

6 | A. It may be one thing on this sheet actually which --

7 | Q. Well, I'm not going to show it to anyone but you.  
8 | We're not going to put it on the screen.

9 | A. Thank you, sir.

10 | Q. Okay.

11 | A. Yes, it says June -- 6-9-03 and --

12 | Q. And does this have Q next to June 9-03?

13 | A. Yes, it has what you probably think is a Q.

14 | Q. Okay, what is it? What is next -- the thing that  
15 | looks like a Q, what is it?

16 | A. It's a little symbol that means I may want to later  
17 | come back and make a note about that.

18 | Q. Okay. And we're not going to talk about any of the  
19 | entries other than those relating to --

20 | A. Yes, that would be best, I think.

21 | Q. Okay. If you go down, the fourth entry, the fourth  
22 | tick mark, do you see the same reference there, Craig --

23 | A. Yes, I do, sir.

24 | Q. -- no OVP request for uranium procurement?

25 | A. Yes, sir.

1 Q. And under that does it say, "Scooter" Libby or Vice  
2 President?

3 A. Yes, sir.

4 Q. And under that, was DR request in 3-03?

5 A. Yes, sir.

6 Q. And above uranium procurement, what does it say  
7 above uranium procurement?

8 A. I, I think it says -- this one is less clear than  
9 the other one. I think it's the symbol for Iraq, but I'm not  
10 sure, and Africa yellowcake.

11 Q. Okay. And does that -- looking at that entry, just  
12 that entry on the page, does that mirror the entry on the  
13 document --

14 A. Yes, sir.

15 Q. -- Exhibit 51?

16 A. This is one I copied over.

17 MR. FITZGERALD. Okay. And we will deem marked but  
18 not put before the Grand Jury this page, and deem it as 52 for  
19 the record. We'll keep that separate so that the only entry  
20 that's in the record is that particular entry.

21 BY MR. FITZGERALD:

22 Q. And is there a reason you would copy it over onto  
23 the Exhibit 51 in exactly the same format with the -- in terms  
24 of indents and punctuation?

25 A. Yeah, the indents mean something to me. I mean, it

1 tends to indicate to me -- it's why I write on unlined paper.  
2 It tends to indicate to me something about how the content is  
3 in the order and what it means.

4 Q. Okay. So looking at 51, does the Iraq or Africa  
5 yellowcake written above the line have some relevance to --  
6 the lines written above the line?

7 A. I think it has to do with another re. And I think  
8 what happened here was this was the first time I wrote it down  
9 probably and I wrote Africa yellowcake, and then I also wanted  
10 to make clear Iraq, so I put the Iraq. And as you'll see,  
11 it's really trivial, and I apologize, but it's directly over  
12 the re, and it shouldn't be, so I think I wrote that second.  
13 I think I wrote Africa yellowcake, and then I went back and  
14 put in the Iraq directly above the re on the, on the note  
15 sheet.

16 Q. And do you have a practice at times of taking things  
17 off the list of what's deemed marked 52 and recreating a  
18 separate sheet --

19 A. Yes.

20 Q. -- in the identical format?

21 A. Yes, sir, because then normally I would discard the  
22 sheet.

23 Q. And the sheet then being what has been deemed marked  
24 as 52?

25 A. Yes. The ones that are sort of action item lists I

1 | would normally discard when I was done with it after I had  
2 | made sure to take down anything I thought -- take down  
3 | separately anything I thought I needed to keep.

4 |       Q.     Okay.  And looking at June 9, '03, the first check  
5 | on that item on that page, does that indicate the President  
6 | was interested in the State of the Union and the Kristof  
7 | article?

8 |       A.     Yes.

9 |       Q.     And do you recall what the occasion was that, that  
10 | you came to learn that the President was interested in the  
11 | Kristof article?

12 |       A.     I, I don't.  It could be something that somebody  
13 | said to me that I -- it doesn't mean that I observed it.  It  
14 | may be something someone said to me and I wrote it down.

15 |       Q.     Any recollection of discussing with the Vice  
16 | President the interest of the President in the Kristof  
17 | article?

18 |       A.     I don't, I don't have a recollection of it.

19 |       Q.     Did you ever recall talking to the President himself  
20 | about the Kristof article?

21 |       A.     No, I don't, I don't think so.

22 |       Q.     And do you ever recall Vice President Cheney talking  
23 | to you about the President's interest in the Kristof article  
24 | in particular?

25 |       A.     Specifically that?  I don't, sir.  The way this note

1 | is written, I take it to be something that someone told me  
2 | that I wanted to mention to the Vice President, not something  
3 | the Vice President said to me.

4 |       Q.    Okay.  And do you have any recollection as to who  
5 | would have told you that?

6 |       A.    No, sir.  It could have been a senior staff meeting,  
7 | it could have been 15, or 20 of us gathered.  It could have  
8 | been somebody saying something.

9 |       Q.    Now, have you come to learn, back to 52, have you  
10 | come to learn that there was a report prepared by the Bureau  
11 | of Intelligence and Research at the State Department commonly  
12 | known as INR on about June 10th of 2003?

13 |       A.    Yes, sir.  The FBI told me about it.

14 |       Q.    Okay.  And when you say the FBI told you about that,  
15 | that would be some time after October 1st of 2003 when the  
16 | investigation began?

17 |       A.    Yes, sir.

18 |       Q.    Prior to that time had you ever heard of the  
19 | existence of an INR report concerning the trip to Niger and  
20 | the role played by former ambassador Wilson?

21 |       A.    Yes, sir.

22 |       Q.    Okay.  And tell us how you learned of it.

23 |       A.    At the end of September there was a meeting in the  
24 | Situation Room underneath the White House, Classified Meeting  
25 | Room, and it was a very long meeting that covered several

1 subjects. Towards the end of the meeting, we were in a very  
2 small group which included the Secretary of State, and the  
3 Secretary of State in that meeting alluded to the fact that  
4 there was a memo from the State Department -- so this was like  
5 September, late September of '03, that there was a memo from  
6 the State Department written much, much earlier which talked  
7 about a meeting in which this assignment came about, I guess  
8 the origins of the assignment, Ambassador Wilson's assignment.

9 Q. And was that -- did that meeting in the Situation  
10 Room occur at a time after the investigation had become public  
11 in the Washington Post?

12 A. I -- if I recall, it became public in the Post on  
13 September 28 or so?

14 Q. Yes.

15 A. Is that correct? So it was a couple days after  
16 that.

17 Q. Prior to Secretary Powell mentioning that document,  
18 had you ever heard of the existence of the INR report prior to  
19 that date?

20 A. I don't have any recollection of an INR document  
21 prior to that date.

22 Q. And do you recall going back to June 10th, assuming  
23 the document -- have you, have you since read that document by  
24 the way?

25 A. No. No, sir. It was handed to me -- during my

1 interview with the FBI and my lawyer said, if you haven't read  
2 the document, you shouldn't read it now, and so I gave it  
3 back.

4 Q. Okay. When looking at the document did it look like  
5 something you had read before in the brief time that you had  
6 it?

7 A. No, sir.

8 Q. And did it -- do you recall during the time period  
9 prior to June 10th ever asking Secretary Grossman questions  
10 about what role, if any, the Office of Vice President had  
11 played in causing this mission, this trip to Niger by the  
12 former ambassador?

13 A. I -- you referred to this before. I really don't  
14 recall a discussion with Secretary Grossman, who is from the  
15 State Department. And my understanding was that it was the  
16 Central Intelligence Agency mission and so I don't, I don't  
17 recall a discussion with him about whether the State  
18 Department had a role in it.

19 Q. And -- but you did understand the person who went  
20 was a former ambassador?

21 A. Yes, sir.

22 Q. And in the Kristof article, there was a claim that  
23 the former ambassador reported to the State Department what  
24 his findings were. Correct?

25 A. Actually, I had forgotten that. Maybe that was on

1 | my mind at the time.

2 |       Q.    As you sit here today do you know whether or not you  
3 | ever spoke to Secretary Grossman about having him find out  
4 | information about what caused this former ambassador to be  
5 | sent to Niger?

6 |       A.    I don't recall it.

7 |       Q.    Do you know if you spoke to anyone else at the State  
8 | Department about that, about that question of who was  
9 | responsible for sending Ambassador Wilson to Niger?

10 |       A.    I don't recall a discussion with people from the  
11 | State Department about it.

12 |       Q.    And do you recall discussing it with anyone else at  
13 | that time, any other agency?

14 |       A.    Well, the discussion with Craig Schmall, and I, I  
15 | may have tried to speak to -- I tried to speak at some point  
16 | during this period to John McLaughlin who is the Deputy at the  
17 | Central Intelligence Agency which would have been the people  
18 | to send him.  Again, during an interview with the FBI agents  
19 | they raised an incident which I spoke to Bob Grenier who works  
20 | for McLaughlin, or is a Deputy for McLaughlin, for John  
21 | McLaughlin.  And I don't -- I recall talking to Bob Grenier  
22 | about something and it could have been this inquiry, but I  
23 | don't, I don't really recall the discussion in detail.

24 |       Q.    And do you recall ever having a discussion with Marc  
25 | Grossman before, during or after a Deputy's Committee Meeting

1 | where Marc Grossman told you that he had learned the former  
2 | ambassador's wife had worked at the CIA in the  
3 | Counterproliferation Division?

4 |       A.    No, I don't.

5 |       Q.    Do you recall any conversation at any time when  
6 | Secretary Grossman told you that the former ambassador's wife  
7 | worked at the CIA?

8 |       A.    I, I don't recall.

9 |       Q.    You have no memory of that whatsoever?

10 |       A.    Sorry, sir, I don't.

11 |            MR. FITZGERALD.    Now, why don't we look at the  
12 | notes from your, from your conversation with Vice President  
13 | Cheney, and I think their page references are Bates Stamp No.  
14 | 2919 or --

15 |            MS. KEDIAN.    This has previously been marked as  
16 | Exhibit 6.

17 |            BY MR. FITZGERALD:

18 |       Q.    Okay.  And is this a note, is this a note you  
19 | referred to as --

20 |       A.    Yes, sir.

21 |       Q.    -- your notes of the conversation?

22 |       A.    Yes, sir.

23 |       Q.    And starting in the upper left corner it has a date.  
24 | What do you read the date to be?

25 |       A.    Well, it's a little -- it gets a little confused.  I

1 read it to be 6-12-03, but over the 12 is a symbol that I use  
2 which means that I don't know that it's a 12. It's on or  
3 about the 12th, or it's a guess basically.

4 MR. FITZGERALD. Okay. And we might -- do we have  
5 the original document here?

6 MS. KEDIAN. We do.

7 BY MR. FITZGERALD:

8 Q. Oh. But looking ahead to -- what's the first entry  
9 to the right of the date?

10 A. A "T" for telephone.

11 Q. And then what is the -- why don't you interpret for  
12 us what the first line says?

13 A. It says that I was -- this, this was a note that I  
14 took after I took the note, sometime after I took the note,  
15 and it's putting down that this was a note of a phone call  
16 between me and the Vice President about uranium and Iraq, the  
17 Kristof New York Times article.

18 Q. And then continue down to the next entry which seems  
19 to have something written before the parenthesis? And we'll  
20 put in front of you the original document.

21 A. Yes, it's just a bullet --

22 Q. Okay.

23 A. -- that's before it. What happened with this  
24 document is I wrote the -- I took the note without the heading  
25 is my recollection. And I went back later and added that

1 heading --

2 MR. FITZGERALD. Well, why don't we turn that off  
3 for the moment --

4 MS. KEDIAN. Okay.

5 WITNESS. Sorry.

6 MR. FITZGERALD. -- because I don't want you to  
7 look up.

8 WITNESS. So I took the note without this, this  
9 heading on -- about the telephone and what it was. I made  
10 this up later is my recollection of it. And so the note for  
11 some time read just like that, without the top line. And I  
12 went back later and added the top line when I came across the  
13 note. And that's my recollection anyway.

14 And what, what it says after that is, I am writing  
15 down here something that the Vice President had told me  
16 someone had told him, although it doesn't reflect that which  
17 he usually would, that's what this is. And it says, took  
18 place at our behest, dash, functional office. And then --

19 BY MR. FITZGERALD:

20 Q. Go ahead, I'm sorry.

21 A. And then below that it says, debriefing took place  
22 here, meaning D.C., I assume. And then it says, and there was  
23 a meeting in the region. And then initially when I first  
24 wrote it, this four was not, was not there, and the box was  
25 not there. I wrote down OVP and Defense and State expressed

1 | strong interest in issue.

2 | Q. Okay.

3 | A. And at some point, as I recall, I went and -- from  
4 | the spacing, esoteric, but from the spacing I, I recall that I  
5 | went back and wrote in, because at some point, I think after  
6 | he initially said it, he told me, I guess  
7 | Counterproliferation, which I think the CP is, and then his  
8 | wife works in that division.

9 | Q. Okay.

10 | A. And then he switched from debriefing me about what  
11 | someone had told him to giving me the points that he thought I  
12 | should make in talking to the press.

13 | Q. Okay.

14 | A. And he said, didn't know about the mission, didn't  
15 | get a report back, oh, and didn't have any indication of a  
16 | forgery. This is a mixed line. Didn't have an indication of  
17 | a forgery, was from CIEA. I guess I had -- it should say,  
18 | didn't have any indication of a forgery until the IAEA or the  
19 | first indication of a forgery was from the IAEA, but I just  
20 | mixed it up when I was writing it.

21 | Q. Okay. And then above the three ticks down below,  
22 | one, two and three --

23 | A. Uh-hum.

24 | Q. -- there's something crossed out. Do you know what  
25 | that says?

1 A. I don't.

2 Q. Now, you mentioned that at first you didn't write  
3 four, or put it around the brackets --

4 A. Yes.

5 Q. -- but on the day of this conversation did you put  
6 the brackets and the four around it --

7 A. Yes.

8 Q. -- at some point?

9 A. Yes.

10 Q. And was that because you were suggesting that in  
11 addition to the three points dictated below that the Vice  
12 President wanted you to make, that you might also want to make  
13 the fourth point?

14 A. Yes, sir.

15 Q. Okay. And then the arrow next to it attributes  
16 something to the Vice President. If you could tell us what  
17 that says?

18 A. It says, hold, get the Agency to answer that. So as  
19 he went through his points I made these notes, one, two and  
20 three to clarify in my mind what it was I was doing, and then  
21 I wrote down point four and suggested should I also -- or  
22 said, should I also say OVP, and Defense and State -- it  
23 wasn't just us, it was several offices asking about this? And  
24 he quite rightly said, no, you should get the Agency to say  
25 that.

1 Q. Okay. Looking back up at the top, do you know what  
2 was under the 12 when you wrote it in terms of -- is the two  
3 correcting something, if you can tell?

4 A. I might have written 18 and then switched it to 12  
5 when I realized it wasn't the 18th. That's a guess. I can't  
6 really tell without a microscope or something.

7 Q. Okay. And forgetting the top line which starts with  
8 June 12th, '03 and ends with New York Times article --

9 A. Yes.

10 Q. -- is there anything below that other than stamps  
11 and Bates Stamps No., but all the blue ink below that, that  
12 was written during the conversation that you had with the Vice  
13 President?

14 A. Yes, sir, I think so.

15 Q. And that was a telephone, telephone conversation?

16 A. Correct, sir.

17 Q. And does that -- do you know whether you were in the  
18 White House at the time?

19 A. I don't, sir.

20 Q. Do you know whether the Vice President was in the  
21 White House at the time?

22 A. I don't, sir.

23 Q. Okay. And as far as the top line goes, aside from  
24 the correction to the date, where it says, telephone, Vice  
25 President re uranium and Iraq, Kristof, New York Times

1 article, do you know when that was put on the page in blue  
2 ink?

3 A. I think I wrote it at the same time that I, I did,  
4 at least the first of the dates --

5 Q. Okay. And do you know whether that was during the  
6 conversation or at a later time?

7 A. No, I think that was a later time.

8 Q. And do you know how much later?

9 A. I don't. My -- I have a -- my recollection of it is  
10 I came across the note which because it was in the middle of a  
11 conversation I didn't take the time to write the heading, and  
12 then I used it, set it aside, and then I came back to it. And  
13 when I came back to it, I realized there was no heading on it.  
14 I didn't want to have to puzzle out twice what it was, so I  
15 wrote a header on it.

16 Q. Okay. And so do you know if that was added in June,  
17 July, August, September or October?

18 A. I don't know. It might have been in June but I  
19 don't know.

20 Q. Okay. And do you know, was this added before or  
21 after the investigation began?

22 A. I think it was before the investigation began.

23 Q. Do you know if you -- did you add anything in terms  
24 of notes, the dates or what it concerned when there was a  
25 request to review documents? Did you go back and add

1 anything?

2 A. No, I don't think so.

3 Q. So to the best of your recollection, this would have  
4 been added, the entry date, some time after your conversation  
5 with Vice President Cheney but before this investigation  
6 began?

7 A. Yes, sir.

8 Q. And do you know if you went back and reviewed it  
9 again to change the date from June whatever it was to June  
10 12th?

11 A. I'm sorry?

12 Q. Do you know what, what caused you to go back and  
13 review the date and change it?

14 A. I think what happened was I initially wrote it and  
15 then realized that wasn't the right date and that it would be  
16 inaccurate because this was for my discussion with Pincus and  
17 the Pincus discussion was before his article. So the one  
18 thing I think I know about June 12 was that it wasn't the 12th  
19 because the article appeared on the 12th, and it would have  
20 been before that.

21 Q. And so this was a conversation you had with Vice  
22 President Cheney in the context of figuring out what to say to  
23 Mr. Pincus who was writing a piece following up on the Kristof  
24 article?

25 A. It was, it was to prepare to say something to the

1 | press and I think it was with Pincus in mind. Yes, sir.

2 | Q. And as you sit here today, is it possible that  
3 | you're the person who had learned that the former ambassador's  
4 | wife had worked in the functional office in  
5 | Counterproliferation and that you had told Vice President  
6 | Cheney that on this date?

7 | A. I don't think so, sir.

8 | Q. And is that from your -- first of all, is that based  
9 | upon your memory?

10 | A. Yes, sir.

11 | Q. And anything about the document that would indicate  
12 | that it was Vice President Cheney who told you the information  
13 | rather than the other way around?

14 | A. Well, the way the, the way the line is drawn, and  
15 | then it doesn't say SL saying this, it looks like him saying  
16 | it. I wouldn't normally write down something I said because I  
17 | said it. I don't -- I wouldn't need to.

18 | Q. Okay, so the --

19 | A. So I think in this case, usually when I wrote  
20 | something down that I say, I put SL colon, and then the  
21 | statement. So I was hurried here because I was trying to not  
22 | hold him up and get down everything that he said accurately,  
23 | and I think that's what he said. And I, and I have this  
24 | recollection of him saying it, so --

25 | Q. And you have -- and your recollection about that was

1 | that he said it in a -- how would you describe --

2 |       A.    Offhand, sort of curious, curiosity-type manner.

3 |       Q.    And did you respond in any way to that, to that  
4 | fact?

5 |       A.    I don't think so.

6 |       Q.    What did you think of that fact at the time?

7 |       A.    Curiosity. . Doesn't -- might mean nothing, might  
8 | mean something, I don't know.

9 |       Q.    And do you know if on or about June 12th Marc  
10 | Grossman from the State Department had had a conversation with  
11 | you about Wilson's wife working at the CIA?

12 |       A.    I don't recall anything about a Grossman  
13 | conversation, sir.

14 |       Q.    And do you recall if you ever had a conversation  
15 | with Mr. Grenier in which you discussed Wilson's wife's  
16 | employment?

17 |       A.    I don't think I discussed Wilson's wife's employment  
18 | with, with Mr. Grenier. I think if I discussed something it  
19 | was what they knew about the request about Mr., about Mr.  
20 | Wilson. I don't recall the content of the discussion.

21 |       Q.    And do you recall if there was an urgency to the  
22 | conversation when you spoke to Mr. Grenier?

23 |       A.    I recall that I was reaching Mr. Grenier -- I was  
24 | trying to reach Mr. McLaughlin and couldn't, and spoke instead  
25 | to Mr. Grenier. And so if I did that instead of just waiting

1 for Mr. McLaughlin, it was probably something that was urgent  
2 in the sense that my boss, the Vice President, wanted, wanted  
3 to find something out. Not, not necessarily in the real  
4 world, but he wanted an answer and usually we try and get him  
5 the answer when we can.

6 Q. So it is fair to say in looking at the document that  
7 the three points the Vice President wanted you to make were  
8 that -- he didn't know about the mission, there wasn't a  
9 report given back, you need to look at the --

10 A. Thank you. Sorry.

11 Q. That he didn't know, the Vice President didn't know  
12 about the mission, that the Vice President's Office didn't  
13 receive a report back, and that there wasn't an indication  
14 that the documents were a forgery until the IAEA so indicated?

15 A. Yes, sir.

16 Q. And that your suggestion that you pointed out the  
17 trip took place at the behest of other agencies as well was,  
18 was rebuffed by the Vice President who thought the better  
19 course was to have the Agency, CIA, come out and say that  
20 themselves?

21 A. Yes, sir.

22 Q. Now, did you talk to Mr. Pincus at the Washington  
23 Post?

24 A. Yes, sir, I did.

25 Q. And did you talk to him prior to the article on June

1 12th?

2 A. Yes, sir, I did.

3 Q. And do you recall what you told him?

4 A. I told him that I didn't -- that the Vice President  
5 didn't request the mission. I think I told him that we did  
6 not get a report back from the mission. And I assume from  
7 this note that I also told him about the IAEA. There is an  
8 article which eventually comes out. Looking at that might  
9 refresh me about whether I told him other things but --

10 MR. FITZGERALD. Okay. Why don't we get out the  
11 June 12th Pincus article.

12 MS. KEDIAN. That's part of Exhibit 3.

13 BY MR. FITZGERALD:

14 Q. Let me take a moment and read the article and see if  
15 it refreshes your recollection as to anything else that you  
16 may have told Mr. Pincus.

17 GRAND JUROR. Since it's almost noon, is this line  
18 of questioning going to take much longer?

19 MR. FITZGERALD. No, we'll wrap it up shortly in  
20 time for lunch.

21 WITNESS. I don't mean to hold everybody up, but  
22 there is a part where he talks about us -- do you know where  
23 that is in the article?

24 BY MR. FITZGERALD:

25 Q. No, but why don't we just take a moment and read,

1 read the article just to see if anything else rings a bell.

2 A. My, my apologies. (long pause) I don't know where  
3 he -- we could be the source for some of this, I don't know if  
4 I -- it doesn't refresh me as to what I said to him.

5 Q. Okay. Can we just -- two questions. In there it  
6 indicates in one paragraph, "Cheney and his staff continue to  
7 get intelligence on the matter but the Vice President, unlike  
8 other senior administration officials, never mentions it in a  
9 public speech." Do you know if you told that to Pincus or  
10 not?

11 A. I might have. It's, it's true, he did not talk  
12 about it in a speech. The "Continue to get intelligence on  
13 the matter" is causing me to stumble a little bit in that I  
14 don't, I don't think after -- a few days after -- it was the  
15 Vice President who asked the question, and a few days after he  
16 asked it, we got sort of a temporary answer from the Agency.  
17 And then I don't, I don't know that we got anything until the  
18 National Intelligence Estimate came out which had a very  
19 definitive statement, that they had begun to buy uranium. So  
20 I don't -- when it says "on the matter," I don't know that we  
21 got anything more about Ambassador Wilson's trip, not at my  
22 level in any case, or the Vice President's level. There was  
23 continued intelligence about Iraq and uranium, so that looks  
24 like phrasing that -- it doesn't look like the way I would  
25 have said it anyway.

1 Q. Okay. And the last question is, the next sentence,  
2 do you know who the source for the quote -- source for the  
3 information that says, "he and his staff did not learn of its  
4 role in spurring the mission until it was disclosed by New  
5 York Times columnist Nicholas Kristof on May 6th --"

6 A. Yes.

7 Q. "-- according to an administration official --"

8 A. That, that could be me, which would be consistent  
9 with the first of my bullets, that I didn't know, we didn't  
10 know about the mission and we didn't in fact know that we had  
11 had a role in it because it was the CIA's initiative it turns  
12 out, and that could have been -- I could have said that to  
13 him.

14 MR. FITZGERALD. Okay. Why don't we break for  
15 lunch.

16 GRAND JUROR. We'll be back at 1 o'clock.

17 MR. FITZGERALD. Okay, 1 o'clock.

18 GRAND JUROR. Thank you.

19 MR. FITZGERALD. You can step outside, and wait at  
20 the door, and we'll take care of the documents, and we'll just  
21 come back at 1 o'clock. Thank you.

22 WITNESS. Thank you.

23 (Whereupon, the witness was excused at 12:02 p.m.)

24 (Whereupon, the witness was recalled at 1:15 p.m.)

25 GRAND JUROR. I'll remind you, you're still under

1 oath.

2 WITNESS. Thank you.

3 BY MR. FITZGERALD:

4 Q. Mr. Libby, I mis-spoke when I invited you back in.

5 In your conversations with Mr. Pincus prior to the  
6 June 12th article, did you understand from, from your  
7 conversation with Vice President Cheney whether or not there  
8 was any problem with you telling Mr. Pincus that Wilson's wife  
9 worked at the CIA?

10 A. No, he was not telling me to mention that part and I  
11 didn't understand that to be part of what I was supposed to  
12 talk to Mr. Pincus about.

13 Q. And did you think there was a reason you couldn't  
14 tell Mr. Pincus that Wilson's wife worked at the CIA?

15 A. No, it just wasn't a particularly powerful point  
16 compared to the other points. I didn't understand it to be a  
17 point worth mentioning in that context.

18 Q. The Vice President obviously thought it was  
19 important enough to share with you, or interesting enough to  
20 color the background. Fair enough?

21 A. Yes, sir.

22 Q. And you thought it interesting enough to write in  
23 your notes. Correct?

24 A. Just a slight emendation of that. I -- as I said, I  
25 often take my notes as he's speaking because I don't know what

1 is going to later be important. So I took the note because he  
2 was saying it. But it was not a point that I even considered  
3 as something that I was going to be discussing with Mr.  
4 Pincus.

5 Q. And when you wrote your note it was something that  
6 you recalled as sort of the change of tone when the Vice  
7 President told you about it as being curious. Fair, fair to  
8 say?

9 A. Yes, sir.

10 Q. And did you think that might help elucidate Mr.  
11 Pincus' view of what had happened here?

12 A. It was not one of the points he was giving me to, to  
13 discuss with Pincus and the points with Pincus seemed on their  
14 face directly in line sufficient and that's, that's what I  
15 did. So that's, that's what I covered with Mr. Pincus.

16 Q. Did you limit yourself to the four corners of  
17 exactly what was written in the three bullet points in your  
18 notes when you spoke to Mr. Pincus?

19 A. Within the boundaries of that pretty much, I think.

20 Q. Did you consider there to be any sort of prohibition  
21 when you're just discussing the fact that the ambassador's  
22 wife worked at the CIA when you spoke to Mr. Pincus?

23 A. No, sir.

24 Q. And in terms of telling the story to you in context,  
25 the Vice President referenced that fact in telling you. Did

1 | you see any reason why you shouldn't reference that fact in  
2 | giving the context to Mr. Pincus?

3 |       A.    No, sir.

4 |       Q.    Do you know if you talked to Mr. Pincus about  
5 | Wilson's wife?

6 |       A.    No, I, I believe I did not, sir.

7 |       Q.    Can you rule out the possibility that you told Mr.  
8 | Pincus about Wilson's wife during that conversation?

9 |       A.    I have no recollection of having discussed it with  
10 | Mr. Pincus and I don't think I did.

11 |       Q.    Can you rule out the possibility that you did, in  
12 | your mind?

13 |       A.    I don't think I did.

14 |       Q.    And I understand that it's very clear that you don't  
15 | think you did. I'm just saying, can you rule out that you  
16 | didn't do that when you spoke to Mr. Pincus?

17 |       A.    I don't quite know what to say, sir. I don't think  
18 | I did. I have no recollection of doing it. It's not what I  
19 | set out do. I don't believe I did. Just "rule out the  
20 | possibility" is an odd phrasing to me. I'm, I'm reasonably  
21 | certain I did not.

22 |       Q.    Let me give you an example. The President of the  
23 | United States called you in and said, this is super-super  
24 | secret that we can't even tell you the clearance level this is  
25 | at, and this involves the most sensitive intelligence

1 gathering matters ever to be conducted by the United States.  
2 And you went and had a meeting with a reporter afterwards, and  
3 we said, do you recall telling that person that information.  
4 You could say, not only do I not remember, there's no way I  
5 could have done that. And I guess, now I'm asking you here,  
6 you indicate that the information about Wilson's wife you  
7 didn't understand to be a prohibition on it. So I'm simply  
8 asking that, even though you think you didn't talk with Pincus  
9 about it, is it possible that you did?

10 A. Well, I didn't think it was under the super-super  
11 secret categorization. So in that part of the analogy, it was  
12 nothing like that about what he said. But as I say, I don't  
13 think I talked to Mr. Pincus about it.

14 Q. Is it possible you did?

15 A. Best of my recollection of the conversation, no. I  
16 did not talk to him about it.

17 Q. Now, this conversation you had with the Vice  
18 President was prior to your speaking to Mr. Pincus. Correct?  
19 The conversation --

20 A. Yes. Yes, sir.

21 Q. And you spoke to Mr. Pincus before he printed the  
22 June 12th article?

23 A. Yes, sir.

24 Q. So the conversation with the Vice President was some  
25 time before June 12th. Correct?

1 A. Yes, sir.

2 Q. And was that the first time you had heard from  
3 anyone, as far as you can recall, that Wilson's wife worked at  
4 the CIA?

5 A. Yes, sir.

6 Q. And you have a recollection of this being a new fact  
7 as you heard it?

8 A. Yes, sir.

9 Q. And so that based upon your recollection, not your  
10 notes, that you recall that that's the first time that you  
11 heard about the former ambassador's wife working at the CIA?

12 A. Yes, sir, although my recollection is not perfect.  
13 That was my recollection.

14 MR. FITZGERALD. Now, if I could show you a  
15 document that Ms. Kedian will tell us what it's marked --

16 MS. KEDIAN. Grand Jury Exhibit 53.

17 BY MR. FITZGERALD:

18 Q. And again we will deem it marked, but not make it --  
19 just make the full text available to you, and then if we need  
20 to show it to the Grand Jury at some point, we'll redact it.

21 Are those notes that you made?

22 A. Yes, sir.

23 Q. And are they dated June 3rd, at least in the upper  
24 left corner of the page?

25 A. Yes, sir.

1 Q. Okay. And do they indicate that one of the  
2 things that's on this -- is this the notes that consist of  
3 your things to do with the Vice President that you make each  
4 day?

5 A. I have things to do with the Vice President and I  
6 have things to do on my own. This is probably things to do  
7 with the Vice President, but they look alike, they look alike.

8 Q. Okay. I'll point you to one entry.

9 A. Yes, sir.

10 Q. It says on there, talk to VP about Walter Pincus  
11 article.

12 A. Yes, sir.

13 Q. Does that indicate to you that -- at least as of  
14 June 3rd, you had a note to yourself that you should talk to  
15 the Vice President about the article that Walter Pincus was  
16 preparing to write?

17 A. Not quite, sir. It indicates to me I was going to  
18 talk to him about a Walter Pincus article. But there could  
19 have been a prior Walter Pincus article that said something --  
20 There were Walter Pincus articles in May, towards the end of  
21 May, and it could be that what I want to talk to him about is  
22 something that was in a prior article. It, it, it could mean,  
23 but it doesn't necessarily mean, the article that he was  
24 preparing for June 12th, that eventually appears on June 12.

25 Q. Okay. Did you, between June 3rd and June 12th, did

1 | you talk to Walter Pincus to provide information as regards  
2 | any article other than the June 12th piece he wrote?

3 |       A.    No.  But this mark here might just be something that  
4 | in an article -- if we were to go back and look at his  
5 | articles before June 12th, I might see something that, that  
6 | I -- caught my eye back then and I wanted to talk to the Vice  
7 | President about.

8 |       Q.    Right.  And I understand.  The bracket is --

9 |       A.    I did not talk to Walter Pincus about any  
10 | drafting -- his drafting any other article.

11 |       Q.    So this item refers to talking to the Vice  
12 | President, looking forward to the article that would appear on  
13 | June 12th or refers to something that had appeared before June  
14 | 3rd that was already written and published that you wanted to  
15 | call the Vice President's attention to or discuss?

16 |       A.    Yes, sir.

17 |       Q.    And as you sit here today, I realize it's awhile  
18 | back, do you know if this -- does Pincus -- does an article by  
19 | Pincus prior to June 3rd stick in your mind?

20 |       A.    There were some articles by Pincus in May, towards  
21 | the end of May, third week, fourth week of May where Director  
22 | Tenet was talking about the intelligence from the war, it's is  
23 | my recollection anyway.  So there are some articles from  
24 | Pincus, you know, he writes periodically and there were some  
25 | articles from Pincus in that period.  But I don't know what

1 | this refers to.

2 | Q. Okay. And as you look at this entry now, do you  
3 | have a belief as to whether or not this was looking backward  
4 | to a past article, or looking forward, or you don't know?

5 | A. I don't know. My recollection is that the Pincus  
6 | article was around for awhile. When I say that I mean to say  
7 | that I had heard from Cathie or someone that he was doing this  
8 | article for awhile is my sense of it. So it could be either.

9 | Q. And now, there came a time -- did there come a time  
10 | when you spoke to a David Sanger of the New York Times?

11 | A. Yes, sir.

12 | Q. Okay. And did you speak to him in early July?

13 | A. From reviewing my notes I have seen that it was July  
14 | 2nd.

15 | Q. Okay. And independent of your notes fixing a date,  
16 | do you have an independent recollection of sitting down with  
17 | Mr. Sanger and speaking to him?

18 | A. Very vague actually, but yes, I have some  
19 | recollection.

20 | Q. Did you meet with him in person or did you speak by  
21 | telephone?

22 | A. In person and he had someone with him as I recall.

23 | Q. Do you know if it would be James Risen, R-i-s-e-n?

24 | A. Yeah, I think that sounds right. From my notes that  
25 | sounds right.

1 Q. Okay. And had you ever sat down with David Sanger  
2 before?

3 A. Yes, he was at a dinner I was at. It's not a common  
4 occurrence for me but I had met him before.

5 Q. Was that the first time you sat down with him as an  
6 official source for an article?

7 A. It's not common for me to sit with him. It could be  
8 the very first, I'm not sure.

9 Q. And do you recall from your discussion with Mr.  
10 Sanger if you had any conversation about Ambassador Wilson,  
11 either by name or by description as the former ambassador, or  
12 his wife in that meeting?

13 A. I don't. I have looked -- we have some notes of  
14 that conversation, and in looking through the notes of it, I  
15 don't recall anything about the wife. I can't recall if  
16 there's anything about, about, about the Ambassador Wilson  
17 trip as I sit here, but it would be in the notes.

18 I recall that he was -- my impression is that he was  
19 primarily interested in the Colin Powell presentation, the  
20 presentation of Secretary Colin Powell had made to the U.N. in  
21 February of '03.

22 Q. And did you provide him information about your  
23 recollection of how the Colin Powell presentation was put  
24 together?

25 A. Yes, sir, that's my recollection of it.

1 Q. And have you looked since that time at an article on  
2 July 8th by David Sanger?

3 A. I suspect I did. I don't recall it.

4 Q. In that article the relevant sentence I wanted to --  
5 sentences I wanted to call to your attention. Let me pull out  
6 a copy. One indicated that Wilson had said that he reported  
7 back, that the intelligence was likely fraudulent, indicating  
8 that the intelligence by Iraq trying to get uranium, and it  
9 said, White House officials say his warning never reached  
10 them. Do you know if you would have provided information to  
11 David Sanger indicating that the warning by Wilson never  
12 reached the White House?

13 A. I, I actually -- I don't know that Ambassador Wilson  
14 actually warned that the documents were fraudulent. There is,  
15 to my knowledge, all I had seen was one memorandum which may  
16 or may not still be classified in which is a report about  
17 Ambassador Wilson's trip. And in that report -- may I  
18 continue?

19 Q. Sure.

20 A. In that report there are denials from the Niger  
21 government -- this is actually in Director Tenet's July 11th  
22 statement about it, there are -- public statement so it's not  
23 classified -- there are denials in the first part of the  
24 report from the Niger government that they ever provided  
25 uranium. But there is also an assertion from a former

1 Nigerian, I think prime minister, that in fact an Iraqi  
2 delegation had come to Niger seeking to open relations and the  
3 Niger government, the prime minister, interpreted that to mean  
4 they were interested in purchasing uranium. So in fact,  
5 within Ambassador Wilson's -- within the report of Ambassador  
6 Wilson's trip and his finding was evidence that Iraq was  
7 trying to acquire uranium and that's what the CIA eventually  
8 puts into the NIE which is also unclassified now.

9           As to the fraudulence of the documents, I don't  
10 think Ambassador Wilson as I have seen later, had ever  
11 actually seen the documents. I don't know if he opined on  
12 whether they were fraudulent or not.

13           Q. Let me draw your attention ahead to July 6th --

14           A. Yes, sir.

15           Q. -- when three things happen. First, there is the  
16 Op-ed in the New York Times by Joseph Wilson. Secondly, he  
17 appears on Meet the Press with Andrea Mitchell as the host.  
18 And third, there's a piece in the Washington Post talking  
19 about his Op-ed in the New York Times and giving some further  
20 information. Do you recall which of those two articles you  
21 read that day and whether or not you saw Wilson on Meet the  
22 Press?

23           A. I don't think I saw Wilson on Meet the Press with  
24 Andrea Mitchell on cable, you know, on television. I don't  
25 know if I read the articles that day. It was Sunday and often

1 I take the day off, but I think I read them -- I read them  
2 subsequently.

3 Q. And what was your reaction when you read the Op-ed  
4 piece by Joseph Wilson?

5 A. I recall that it was, you know -- here was this guy  
6 saying it was him who had done it. He was saying that we  
7 had -- he was saying that, that he thought that he had sort of  
8 definitively proven in his trip that there was no attempt by  
9 the Iraqis to purchase uranium in Niger. And that's not what  
10 his report actually proved. He was saying that we had asked  
11 for the trip, or he said that the next day on television, I've  
12 forgotten which, and that was not the case. He was saying  
13 that because we had asked about the trip, the Vice President  
14 must have gotten a report back about his trip and that was not  
15 the case. He was saying, because his report was definitive,  
16 which it wasn't, and because the Vice President had asked,  
17 which he hadn't, the Vice President must have gotten a  
18 response, which would have convinced the Vice President that,  
19 that Iraq had not tried to buy uranium, and therefore the Vice  
20 President must have twisted the facts, or other people must  
21 have twisted the facts. And as I was indicating, the premises  
22 were wrong, we didn't get his report. What we did get was  
23 intelligence from the CIA, not that one piece but the  
24 considered judgment of the CIA that in fact Iraq had tried to  
25 buy uranium. The Vice President had not asked for someone to

1 go on a mission to Niger, so therefore he didn't get that.  
2 report back. So there were a lot of things in there that were  
3 wrong. There was a place later in his article where he said,  
4 if I'm wrong about my report, if they discounted my report for  
5 some reason, then I have no complaint, although I'd be  
6 interested in knowing why they say that. And that made me  
7 hopeful that when it was explained to him that in fact his  
8 report didn't disprove it, and the CIA took his -- did not  
9 find his bit of intelligence as definitive, you know, we  
10 thought that that was hope that he'd then withdraw his  
11 accusation.

12 Q. Now, is it fair to say that the article was viewed  
13 as an accusation by many, including the administration?

14 A. Yes, sir.

15 Q. If you accepted the premises of his article, his Op-  
16 ed, as being true, it would indicate that the Vice President  
17 knowingly allowed the President to lie to the American public  
18 and the world about what the United States government believed  
19 about Iraq's activities with regard to uranium. Fair to say?

20 A. Not quite. Because he, he is straight forward in  
21 saying, all I know about is my report. And if they have  
22 other, other evidence then there's other evidence. But if  
23 they're relying on my report, then it's not, you know -- then  
24 it would be improper to say what he said assuming my report is  
25 right, but it may not be. That's what he said.

1 Q. But it's fair to say that most people took away from  
2 that article as reported as an assertion by Wilson that the  
3 government misled the American people, not as a I'm not sure  
4 what happened and I want an answer? Is that fair to say?

5 A. I, I don't -- if you look at his article, I think he  
6 does say in there, I may -- if there's other information,  
7 there's other information, he was pretty careful about that.  
8 Maybe people read it too quickly, as you say, and took away a  
9 different interpretation of it.

10 MR. FITZGERALD. Sure. Why don't I give you a  
11 copy, which is Exhibit --

12 MS. KEDIAN. Three.

13 MR. FITZGERALD. -- 3. And does it start with  
14 Joseph C. Wilson -- oh, this is the Washington Post. Do we  
15 have the Op-ed piece?

16 MS. KEDIAN. Yes, I'm sorry.

17 MR. FITZGERALD. Are you reading the New York  
18 Times or --

19 MS. KEDIAN. I'm sorry, I handed you --

20 WITNESS. I have a July 6 New York Times piece.

21 MR. FITZGERALD. Oh, then you can keep reading.  
22 I'll read the same thing you're reading.

23 BY MR. FITZGERALD:

24 Q. Doesn't the second paragraph say, "Based on my  
25 experience with the administration in the months leading up to

1 the war I have little choice but to conclude that some of the  
2 intelligence related to Iraq's nuclear weapons program was  
3 twisted to exaggerate the Iraqi threat."

4 A. Right, some, "some of the intelligence," yeah.

5 Q. Are you, are you telling me -- well, what was your  
6 reaction when you read this article? Were you angry?

7 A. It's a, it's a bad article. And I don't mean to  
8 pick words with you. I'm just saying, within his article, as  
9 we go on, he does say that all he knows about it is what he  
10 knows about so --

11 Q. Well, let me ask you --

12 A. Just giving him credit for that. I'm trying to give  
13 him credit for that.

14 Q. Were you angry were you read the article?

15 A. Yes, because -- well, angry? I was concerned  
16 because it didn't seem to me an accurate portrayal of the  
17 facts. But I was also confident that when the facts came out  
18 it would be -- you know, it's, it's hard to counter a false  
19 accusation even with clear facts. But I was confident that  
20 the facts were quite clear, that in fact his cable was not  
21 definitive, that we had not asked for the report, that the  
22 report did not in fact reach the Vice President or me prior to  
23 the State of the Union, and we were not the people who were  
24 putting it into the claim. So the underlying facts I thought  
25 were quite solid, saying this was wrong, but it's disturbing

1 to have something like this out there.

2 Q. Was it fair to say you were upset when you read the  
3 article?

4 A. There were a lot of articles to come out that, that,  
5 that say bad things about the administration and I guess I've  
6 gotten a little bit inured, inured to them. But I didn't  
7 like -- I did not like the article.

8 Q. Were you upset?

9 A. I guess I was upset. I was disturbed by the  
10 article, didn't like the article. Upset's a fair word, I  
11 guess.

12 Q. And did you discuss it with the Vice President?

13 A. Yes.

14 Q. Were you uncertain --

15 A. I'm just trying to think about when. See, he was  
16 in -- I didn't discuss it when I first got it, but I'm sure I  
17 did shortly thereafter. He was in Wyoming, I think, over the  
18 July 4 weekend. So I probably didn't see him until, you know,  
19 Monday or Tuesday, I've forgotten when it was, after that, and  
20 I would have discussed it shortly thereafter. I didn't see  
21 him on -- if I read it on Sunday, I did not see him on Sunday.

22 Q. Do you know if you discussed it by telephone with  
23 Vice President Cheney?

24 A. I don't think I spoke to him by phone that weekend.

25 Q. And can you tell us about the first time you

1 | discussed the article with Vice President Cheney?

2 |       A.    You know, I don't remember it in any detail.  It was  
3 | the same claim that we had had around since May.  It's just  
4 | now it had a name of it.  Now we knew it was Ambassador  
5 | Wilson.  And there was this, you know, accusation of twisting  
6 | the facts directly by somebody by name.  So it was a concern.

7 |       Q.    Do you recall any reaction, whether he was upset?

8 |       A.    I'm sure he was upset.  I don't recall the  
9 | conversation all that clearly, but I'm sure he was upset.

10 |       Q.    And in terms of accusations against the  
11 | administration, putting aside the truth or falsity of it --

12 |       A.    Yes, sir.

13 |       Q.    -- we understand your view and as we said, the Grand  
14 | Jury is not here to determine what the truth or falsity of  
15 | particular assertions are --

16 |       A.    Yes, sir.

17 |       Q.    -- this as an accusation was a direct accusation  
18 | that the Vice President was dishonest, if you followed the  
19 | inferences that Mr. Wilson made, that the President was  
20 | dishonest and that the country was misled into war.  Is it  
21 | fair to say that that was the -- perhaps the most serious  
22 | attack on the administration's credibility thus far in the  
23 | Presidential term?

24 |       A.    It was a serious accusation.  I'd, I'd have to go  
25 | back, back over the administration to evaluate it compared to

1 other attacks, but it was, it was a very serious attack.

2 Q. Well, as you sit here now, can you think of any  
3 other time in the administration where someone directly came  
4 out by name and accused the administration of deliberately  
5 exaggerating and twisting intelligence with regard to specific  
6 facts?

7 A. Well, the sixteen words had been around. That the  
8 sixteen words were false and shouldn't have been in there, had  
9 been around for awhile, and I can't remember exactly when  
10 the -- what level of attack came from what. But this -- that  
11 was certainly -- this realm of issue reminds me, comes to  
12 mind, as a very serious attack from it. I don't recall  
13 sitting here whether there was anything in tax policy or any  
14 other policy that quite amounts to this.

15 Q. And given that the sixteen words were believed to  
16 have been part of a speech setting up the administration's  
17 case for war against Iraq, is it fair to say that this was a  
18 very, very serious matter during the week of July 7th through  
19 the 14th at the White House?

20 A. Yes, sir.

21 Q. And was it a discussion of -- that was -- was it a  
22 topic that was discussed on a daily basis?

23 A. Yes, sir.

24 Q. And it was discussed on multiple occasions each day  
25 in fact?

1 A. Yes, sir.

2 Q. And during that time did the Vice President indicate  
3 that he was upset that this article was out there which  
4 falsely in his view attacked his own credibility?

5 A. Yes, sir.

6 Q. And do you recall what it is that the Vice President  
7 said?

8 A. I recall that he was very keen to get the truth out.  
9 He wanted to get all the facts out about what he had or hadn't  
10 done, what the facts were or were not. He was very keen on  
11 that and said it repeatedly. Let's get everything out. He  
12 wanted to get it all out. That, that I recall.

13 Q. Do you recall if you ever discussed a copy of the  
14 article with Vice President Cheney -- in front of you when he  
15 talked about?

16 A. Physical copy in front of him? I don't recall that.  
17 He often cuts out an article and keeps it on his desk  
18 somewhere and thinks about it and I subsequently learned that  
19 he had such an article from the FBI agents who talked to me.

20 Q. And had you seen that copy of the article before the  
21 FBI showed it to you during the course of the investigation?

22 A. I, I don't recall it. It's possible if it was  
23 sitting on his desk that, you know, my eye went across it. I  
24 don't, I don't recall him pulling it out and saying something  
25 to him, but we talked about the article a fair amount.

1 MR. FITZGERALD. And let me show you a copy of the  
2 article with handwritten notes on it.

3 MS. KEDIAN. Grand Jury Exhibit 8.

4 BY MR. FITZGERALD:

5 Q. And in looking at Grand Jury Exhibit 8, can you tell  
6 us if you recognize the handwriting at the top, top of both  
7 pages?

8 A. Yes, sir. It looks like the Vice President's  
9 handwriting.

10 Q. Okay. And I take it you're familiar with his  
11 handwriting?

12 A. I am. I couldn't necessarily pick it out from  
13 similar handwriting, but this looks like his handwriting to  
14 me.

15 Q. Okay. And is it fair to say that there's various  
16 items underlined in this copy?

17 A. Yes, sir.

18 Q. Does that include the sentence, "I have little  
19 choice but to conclude that some of the intelligence related  
20 to Iraq's nuclear weapons program was twisted to exaggerate  
21 the Iraqi threat?"

22 A. Yes, sir.

23 Q. And does it also include handwriting at the top of  
24 the page that says, that reads, "have they done this sort of  
25 thing before?"

1 A. I'm sorry, are you asking me if that appears at the  
2 top of the page?

3 Q. Yes.

4 A. Yes, sir, it does.

5 Q. And does it say beneath that, send our -- "send an  
6 ambassador to answer a question"?

7 A. Yes, sir.

8 Q. And does it say below that, "do ordinary send people  
9 out pro bono to work for us?"

10 A. It does, sir.

11 Q. And does the top of the page have a note that  
12 continues over to the second page, "or did his wife send him  
13 on a junket?"

14 A. Yes, sir.

15 Q. And do you recall ever discussing those issues with  
16 Vice President Cheney?

17 A. Yes, sir.

18 Q. And tell us what you recall about those  
19 conversations.

20 A. I recall that along the way he asked, is this normal  
21 for them to just send somebody out like this uncompensated, as  
22 it says. He was interested in how did this person come to be  
23 selected for this mission. And at some point after we learned  
24 that his wife worked at the Agency, you know, he -- that was  
25 part of the question.

1 Q. Okay. And is it fair to say that he had told you  
2 back in June, June 12th or before, prior to the Pincus  
3 article, that his wife worked in the functional office of  
4 Counterproliferation of the CIA. Correct?

5 A. Yes, sir.

6 Q. So when you say, that after we learned that his wife  
7 worked at the Agency, that became a question. Isn't it fair  
8 to say that you already knew it from June 12th or earlier?

9 A. I believe by, by this week I no longer remembered  
10 that. I had forgotten it. And I believe that because when it  
11 was told to me on July 10, a few days after this article, it  
12 seemed to me as if I was learning it for the first time. When  
13 I heard it, I did not think I knew it when I heard.

14 Q. Okay. So let me back up a moment. We'll get to the  
15 July 10 conversation.

16 A. Yes, sir.

17 Q. Do you recall when the Vice President told you do we  
18 ordinarily send -- or did the wife send him a junket, when you  
19 had that conversation? Do you know when that was in relation  
20 to the July 6 article?

21 A. I don't recall that conversation until after the,  
22 until after the Novak piece. I don't recall it during this  
23 week of July 6. I recall it after the Novak conver -- after  
24 the Novak article appeared I recall it, and I recall being  
25 asked by the Vice President early on, you know, about this

1 | envoy, you know, who is it and -- but I don't recall that.  
2 | early on he asked about it in connection with the wife,  
3 | although he may well have given the note that I took.

4 |       Q.    And so your recollection is that he wrote on July --  
5 | that you discussed with the Vice President, did his wife send  
6 | him on a junket?  As a response to the July 14th Novak column  
7 | that said, he was sent because his wife sent him and she works  
8 | at the CIA?

9 |       A.    I don't recall discussing it -- yes, I don't recall  
10 | discussing it in connection with when this article first  
11 | appeared.  I recall it later.

12 |       Q.    And are you telling us under oath that from July 6th  
13 | to July 14th you never discussed with Vice President Cheney  
14 | whether Mr. Wilson's wife worked at the CIA?

15 |       A.    No, no, I'm not saying that.  On July 10 or 11 I  
16 | learned, I thought anew, that the wife -- that, that reporters  
17 | were telling us that the wife worked at the CIA.  And I may  
18 | have had a conversation then with the Vice President either  
19 | late on the 11th or on the 12th in which I relayed that  
20 | reporters were saying that.  When I had that conversation I  
21 | had forgotten about the earlier conversations in which he told  
22 | me about -- reflected in my notes that we went over this  
23 | morning, in early June, before the Pincus article, when he had  
24 | told me about that the wife worked at the CIA.  I had just  
25 | forgotten it.

1 Q. And just fix the, the person -- who did you speak to  
2 on July 10th or 11th that you recalled learning again,  
3 thinking it was for the first time, that Wilson's wife worked  
4 at the CIA?

5 A. Tim Russert of NBC News, Washington Bureau Chief for  
6 NBC News.

7 Q. And so we'll come back to that conversation in a  
8 moment.

9 A. Yes, sir.

10 Q. Is it your testimony under oath that you don't  
11 recall discussing Wilson's wife working at the CIA between the  
12 July 6th date when the Wilson's Op-ed appeared and your  
13 conversation with Tim Russert?

14 A. That's correct, sir, but my -- I don't really -- I  
15 don't recall discussing it. What I do recall is being  
16 surprised when I talked to Mr. Russert on the 10th or the  
17 11th, and I am inferring from that surprise that I hadn't  
18 talked about it earlier in the week. I simply do not recall  
19 any discussion early in the week about Mrs. Wilson. What I do  
20 recall is that I was surprised when I heard it from Mr.  
21 Russert.

22 Q. Let me ask you this. Do you recall going to lunch  
23 on July 7th with Ari Fleischer?

24 A. I do, sir.

25 Q. Okay. And do you recall what you discussed over

1 | lunch with Ari Fleischer?

2 |       A.    Yes, it had been scheduled for some time.  Ari was  
3 | leaving the White House.  He was a friend, is a friend.  And  
4 | we had decided we would get together for lunch before he left  
5 | as sort of a good-bye lunch.  And we discussed the Miami  
6 | Dolphins, because we're both Miami Dolphins fans; we discussed  
7 | his plans for the future, what he was going to do, work in New  
8 | York, I think it was, or start a consulting-type firm if I  
9 | recall; and you know, it had been fun to work together; and we  
10 | probably also discussed the uranium business because it was a  
11 | very hot topic at that point.  I don't recall it as clearly as  
12 | I do the Miami Dolphins and his plans for the future because  
13 | that was the point of the lunch.

14 |       Q.    And in the discussion, discussing the uranium issue,  
15 | do you know if you discussed Mr. Wilson?

16 |       A.    I don't recall it, but I suspect we did because it  
17 | was a very -- you know, that was just -- now, but I don't  
18 | recall it.

19 |       Q.    And on July 7th, do you recall if at the 6:45  
20 | briefing in the morning you and the Vice President asking  
21 | Craig Schmall about Mr. Wilson and the circumstances of his  
22 | trip?

23 |       A.    I don't, but it makes sense because the article had  
24 | come out the day before.

25 |       Q.    And do you recall if at the senior staff meeting at

1 8:45 that day whether or not Karl Rove and others discussed  
2 that we needed to get a message out about Mr. Wilson, which is  
3 that the administration and the Vice President in particular,  
4 did not send him to Niger and that his report did not resolve  
5 the issue?

6 A. That sounds right. There was a day -- I recall a  
7 day or maybe two when Karl spoke about it at the senior staff  
8 meeting. In one of them, I made some notes about it. I don't  
9 recall the date, but that would -- it was right in that day --  
10 it was within a day of that, if it wasn't that day.

11 Q. And are you aware that at 9:22 that day Cathie  
12 Martin, the Press Secretary, e-mailed Ari Fleischer with four  
13 talking points to get out -- the talking points concerning the  
14 Vice President's position which included the fact that the  
15 Vice President didn't send Wilson to Niger? We can show you  
16 that e-mail, I believe, as an exhibit, and see if that  
17 refreshes your recollection that the Vice President's press  
18 person was addressing this issue to Mr. Fleischer that day.

19 MS. KEDIAN. Grand Jury, Grand Jury Exhibit 54.

20 BY MR. FITZGERALD:

21 Q. And I'll just read into the record, July 7th, 9:22,  
22 response to Joe Wilson. Four bullets.

23 The Vice President's Office did not request the  
24 mission to Niger.

25 The next bullet: The Vice President's Office was

1 not informed of Joe Wilson's mission.

2           Next bullet: The Vice President's Office did not  
3 receive a briefing about Mr. Wilson's mission after he  
4 returned.

5           Final bullet: The Vice President's Office was not  
6 aware of Mr. Wilson's mission until recent press reports  
7 accounted for it.

8           A. Yes.

9           Q. Do you, do you recall if you were aware of those  
10 talking points at the time, on July 7th?

11          A. I don't know that I saw this e-mail, but those were  
12 our basic talking points that we tried to get out, and I  
13 recall that Ari some time that day, it might have been at the  
14 1 o'clock, made a statement which covered these types of  
15 points. And so therefore, it's quite likely I talked to him  
16 about it at the lunch as well.

17          Q. And I believe if we checked, it might be at 9:36  
18 that morning that Ari Fleischer, in a press gaggle, made the  
19 points that the Vice President did not request the trip, or  
20 know about it, or get briefed on the results.

21          A. That actually sounds right, sir.

22          Q. And thereafter, after the 6:45 briefing with the CIA  
23 briefer, and the senior staff meeting, and then Cathie  
24 Martin's e-mail, and Ari Fleischer's press gaggle, you then  
25 went to lunch with Mr. Fleischer about noon?

1 A. Yes, sir. Yes, sir.

2 Q. And do you have any recollection as you sit here now  
3 discussing Mr. Wilson with Ari Fleischer?

4 A. I don't, I don't recall it, but it's pretty -- it --  
5 you know, it makes sense and it's pretty likely. I just don't  
6 recall that, that part of the discussion with, with Ari. I  
7 think, if we were -- as we were discussing uranium in that  
8 period what I would be particularly concerned about was the  
9 NIE and what the, what the NIE had actually said because we  
10 were still in a stage before, as I recall, before Ari  
11 Fleischer came out and said it was a mistake to have the claim  
12 about uranium in the State of the Union. It was a big issue  
13 as to whether that -- this was a much bigger issue than the  
14 Wilson trip as to whether or not it was a mistake to have it  
15 in the State of the Union. And there was this NIE which had  
16 this assertion about the uranium. So I suspect that would  
17 have also been my focus for a discussion with --

18 Q. And --

19 A. Sorry, sir.

20 Q. Do you recall if you discussed Mr. Wilson's wife  
21 during the lunch with Ari Fleischer?

22 A. I don't recall discussing the wife. Because I was  
23 surprised at the discussion a few days later with, with Tim  
24 Russert, I would think that we did not discuss the wife. I  
25 just -- but I don't recall.

1 Q. And as you sit here today, you do recall that that  
2 was the day that Ari Fleischer addressed some questions about  
3 Mr. Wilson's article at the press gaggle. Correct?

4 A. I've seen the transcript since then, so that's what  
5 I recall really.

6 Q. And you recall that some time that day, but not by  
7 lunch time, Mr. Fleischer, or some time after lunch either  
8 that day or the next, Mr. Fleischer issued a statement  
9 indicating in effect that the President didn't stand behind  
10 the sixteen words. Is that correct?

11 A. I recall from looking at the record that it was the  
12 7th that he made that statement, and that was the day I had  
13 the lunch.

14 Q. And you recall that you had lunch with Mr.  
15 Fleischer?

16 A. Yes, sir.

17 Q. And you recall discussing Mr. Fleischer's future.  
18 Correct?

19 A. Yes, sir.

20 Q. And you recall discussing the Miami Dolphins.  
21 Correct?

22 A. Yes, sir. I recall all that quite clearly. I had a  
23 lot of conversations during this period about this other stuff  
24 and I just don't recall it as distinctly as I only had one  
25 conversation about the Miami Dolphins in that period, so --

1 Q. Do you recall telling Mr. Fleischer that Wilson's  
2 wife worked at the CIA in the Counterproliferation Division?

3 A. No, I don't.

4 Q. And is it possible that you told Mr. Fleischer  
5 during that lunch that Wilson's wife worked at the CIA in the  
6 Counterproliferation Division?

7 A. It's possible -- well, I don't recall it and I  
8 recall being surprised by Russert. So I tend to think I  
9 didn't know it then, but that's all I actually recall.

10 Q. Isn't it a fact, sir, that you told Mr. Fleischer  
11 over lunch that this was "hush-hush" or "on the q.t." that  
12 Wilson's wife worked at the CIA?

13 A. I don't recall that.

14 Q. Do you recall discussing Mr. Wilson's wife's name  
15 with Mr. Fleischer?

16 A. No, I don't think I knew it until the Novak article.

17 Q. And what do you recall Mr. Wilson's wife's name to  
18 be?

19 A. From the Novak article, Plame. Valerie Plame.

20 Q. And how would you pronounce it, in a hard A or in a  
21 French way?

22 A. I guess just what I said, Plame, like blame, I  
23 guess.

24 Q. Rhyming with blame?

25 A. I guess, yeah.

1 Q. And as you sit here today do you recall whether or  
2 not you discussed whether or not Mr. Wilson's wife worked in  
3 the Counterproliferation Division?

4 A. I do not recall discussing Mr. Wilson's wife at all  
5 with Ari. All I recall is -- from that week is the Tim  
6 Russert conversation.

7 Q. So as you sit here today, it's your testimony that  
8 prior to your conversation with Tim Russert you neither  
9 discussed Wilson's wife's employment with either the Vice  
10 President or with Ari Fleischer, following the July 6th  
11 article?

12 A. I'm sorry, my mind wandered. You're asking about --  
13 could you repeat it? I'm sorry.

14 Q. Sure. From July 6th up until the point when you  
15 spoke to Tim Russert, but not after, is it your testimony that  
16 you have no recollection of discussing Wilson's wife's  
17 employment at the CIA with either Vice President Cheney or Ari  
18 Fleischer?

19 A. Yes, sir. In that period I have no recollection,  
20 that's correct.

21 Q. And do you recall discussing with Cathie Martin  
22 between July 6th and July 10th the fact that Wilson's wife  
23 worked at the CIA?

24 A. No. As I say, when I heard it from Tim Russert,  
25 which was on the 10th or the 11th, I was surprised by what I

1 | heard, and that's all I really recall from that week. So I  
2 | don't recall any other discussion earlier in that week about  
3 | it.

4 |       Q.    Prior to your conversation with Tim Russert, do you  
5 | ever recall telling Cathie Martin that Wilson's wife worked at  
6 | the CIA?

7 |       A.    No, sir.

8 |       Q.    Prior to your conversation with Tim Russert on July  
9 | 10 or 11, do you ever recall a conversation where Cathie  
10 | Martin told you that Wilson's wife worked at the CIA?

11 |       A.    No, sir.

12 |       Q.    And do you recall an occasion on or about July 8th  
13 | where Cathie Martin came into the Vice President's Office with  
14 | you present, and the Vice President, and indicated that  
15 | Wilson's wife worked at the CIA, that she had learned that?

16 |       A.    July 8th?

17 |       Q.    Yes.

18 |       A.    I -- again, sir, I don't, I don't recall. What I  
19 | recall -- all my recollection on this point is hinged on my  
20 | surprise when I heard it from Tim Russert and I'm inferring  
21 | the rest from that. I don't recall much about the -- anything  
22 | about that subject in the week. What I recall from that week  
23 | is being concerned to get the statement -- a clear statement  
24 | out from the CIA, the Agency, from Director Tenet, and there  
25 | was a lot of discussion during that week, as you've probably

1 seen in my notes, and I was very much focused on getting the  
2 main part of the case out about whether -- about what the CIA  
3 had told us in October and subsequently about uranium, and I  
4 don't recall these discussions that you're referring to.

5 Q. And is it fair to say that this reason this became  
6 such a hot issue that week was the sort of the firestorm that  
7 came as a result of the July 6th Wilson Op-ed piece? Correct?

8 A. Yes, sir.

9 Q. And just so we're clear, I understand what you  
10 recall about your conversation with Russert, but the time  
11 period before that, are you telling this Grand Jury you have  
12 no recollection of having the conversation on any day that  
13 week in which Cathie Martin told you in the, in the presence  
14 of the Vice President that Wilson's wife worked at the CIA?

15 A. I have no recollection of that conversation. My  
16 first recollection is Tim Russert telling me that.

17 Q. Now, do you recall a conversation in which Cathie  
18 Martin told you and the Vice President that Bill Harlow, the  
19 public affairs person at the CIA, had been receiving calls  
20 from Andrea Mitchell and David Martin about the controversy  
21 about the State of the Union address?

22 A. I recall that there were -- that the CIA was  
23 receiving calls from -- yes, I recall something about that. I  
24 don't recall the Cathie Martin part, but it makes sense that  
25 it was Cathie that told us.

1 Q. And do you recall being instructed by the Vice  
2 President that you should call Andrea Mitchell and David  
3 Martin?

4 A. It sounds right, sir, yes.

5 Q. Do you recall calling Andrea Mitchell?

6 A. Yes, I recall calling Andrea Mitchell and I recall  
7 calling David Martin.

8 Q. And do you know how many times that week you spoke  
9 to Andrea Mitchell?

10 A. My recollection is that I talked to her once about  
11 an incorrect report, and then after my phone call with Tim  
12 Russert I spoke to her again. I think on the second  
13 conversation, I'm not sure whether it was that week, or early  
14 the next week or some time the next week.

15 Q. So you have two conversations with Andrea Mitchell.  
16 One before your Russert conversation and one after your  
17 Russert conversation?

18 A. That's my general recollection, sir.

19 Q. And do you recall the subject matter of the  
20 conversation you had with Andrea Mitchell before you spoke to  
21 Tim Russert?

22 A. Yes. She had said something incorrect in one of her  
23 television appearances, and I was trying to correct that.

24 Q. Do you know what it was that she said that had been  
25 incorrect?

1           A.     There were two things being -- in that period that  
2 people were saying incorrectly that touched on the Vice  
3 President's Office. One had to do with Halliburton. I think  
4 this had to do with the Wilson claim that we had sent him, but  
5 I'm not sure. I'd have to see what -- if I looked at what she  
6 said that week I might be able to figure it out.

7           MR. FITZGERALD.     Okay. And why don't we show you  
8 the July 8th transcript of Andrea Mitchell speaking at 6:40  
9 p.m.

10           MS. KEDIAN.     Exhibit 55.

11           (Long pause while witness reading)

12           WITNESS.     I think I see something here.

13           BY MR. FITZGERALD:

14           Q.     Are you finished reading the article?

15           A.     Yes, sir.

16           Q.     Something ring a bell when you read it?

17           A.     Yes, it says towards the bottom of the page here it  
18 says, "the White House blamed an October CIA report for  
19 ignoring Wilson's information and not requesting the original  
20 documents in which the charge was based for more than a year."  
21 And this was not -- two things, it was not right. I don't  
22 think anybody blamed the CIA for ignoring his information. In  
23 fact, I think he -- the CIA had looked at his information, had  
24 found that it, as reported in the NIE in October, had found --  
25 in fact, far from ignoring it, they looked at it and found

1 that it did not contradict the claim, and in fact supported  
2 the claim that Iraq was trying to buy uranium from Niger. So  
3 -- but phrased this way, that we blamed -- that the White  
4 House blamed an October CIA report for ignoring the  
5 information, quite to the contrary. I think it was argued  
6 that the CIA had properly taken everything into consideration  
7 and it still concluded, as they said in the October NIE, which  
8 was six months after Ambassador Wilson's report, had still  
9 concluded that there was good grounds, and in fact had  
10 concluded flat out that Iraq had begun to try, vigorously  
11 trying to procure uranium. So there wasn't a criticism of the  
12 CIA for ignoring Ambassador Wilson as she said. I think  
13 thought the CIA was right in how they evaluated it. But  
14 phrased like this, it would likely be a subject that got the  
15 CIA upset.

16 Q. And is it fair to say that earlier in the transcript  
17 that Ms. Mitchell, who had been the person to interview Mr.  
18 Wilson on Meet the Press just two days before, had discussed  
19 Joseph Wilson in that brief TV segment, and also played a news  
20 clip from his Sunday TV appearance?

21 A. Yes, it shows that here.

22 Q. And do you recall, looking at that transcript,  
23 whether regarding his discussing Joseph Wilson and playing a  
24 clip, when you talked to Andrea Mitchell before you spoke to  
25 Russert, you talked to Andrea Mitchell about Joe Wilson?

1           A.    I'm sorry, sir, I was -- I was trying to look at the  
2 clip that you were referring to and I didn't hear your  
3 question.  I'm sorry.

4           Q.    In your conversation with Andrea Mitchell, the first  
5 conversation that week which you recall happened before you  
6 spoke to Mr. Russert, do you know if you spoke to Ms. Mitchell  
7 about Ambassador Wilson?

8           A.    I think if I, if I spoke to her earlier that week  
9 this probably was the subject that I was speaking to, speaking  
10 to her about.  I would have to be sure I -- it would be better  
11 if I looked at everything she said that week, but I think this  
12 was probably it.  It could also have been the Sunday show  
13 because I don't, I don't have the benefit of knowing what day  
14 I spoke to her on that -- did you say it was the 8th or --

15           Q.    Well, she had -- her appearance on TV was the 8th.  
16 And I believe if we look at some notes, we might be able to  
17 locate, that the Vice President -- there's an indication that  
18 the Vice President told you to speak to Andrea Mitchell on the  
19 8th.

20           A.    Well, that would have been before this broadcast  
21 then most likely.  And this is a 6:30 -- am I reading this  
22 right, it's a --

23           Q.    Yes, it's a 6:30 broadcast.

24           A.    So if it was during the day that day, maybe he was  
25 referring to an earlier thing, that's all I'm saying.  I don't

1 know.

2 Q. Do you have any recollection of discussing  
3 Ambassador Wilson with Andrea Mitchell in that conversation  
4 you had, the first conversation that week?

5 A. There was something Andrea said earlier that week  
6 that I think I discussed with her and I think that it was  
7 probably Ambassador Wilson, that was wrong. And it may not  
8 have been this one actually. This may be the one that I -- I  
9 also complained to Tim Russert about something she had said,  
10 and maybe that's what this is, and maybe I was complaining  
11 about something earlier. Maybe it was the Sunday show, I  
12 don't know.

13 Q. And do you know, do you have a recollection of  
14 whether or not you discussed Ambassador Wilson's wife when you  
15 spoke to Andrea Mitchell during the conversation that week  
16 that occurred prior to your speaking to Russert?

17 A. I, I do not believe that I spoke to her about, about  
18 Ambassador Wilson's wife prior to my conversation with Tim  
19 Russert.

20 Q. And is that because it's your testimony that you  
21 don't believe you remembered at the time that you had learned  
22 about Ambassador Wilson's wife the month before?

23 A. Yes, sir. And I have no recollection of talking to  
24 her about that at that point. She's a member of the press.  
25 Not somebody in the White House, and that would have a

1 separate impact on me and I just don't believe I did talk to  
2 her about that.

3 Q. And so you would have a more specific recollection  
4 if you spoke to a press person --

5 A. I think --

6 Q. -- than if you spoke to someone in the White House?

7 A. -- I think, yeah.

8 Q. Do you remember Bob Novak calling you on July 8th?

9 A. Calling me?

10 Q. Yes.

11 A. No, sir.

12 Q. Do you know if you spoke to him at all prior to the  
13 July 14th column appearing under Novak's byline?

14 A. No. I remember I had one conversation with Bob  
15 Novak in this period. My recollection of it is that when I  
16 spoke to him he had all of the basic facts that we have in our  
17 case, by which I mean the type of facts that Cathie Martin  
18 gave to Ari Fleischer that morning that the Vice President  
19 didn't request the mission; the Vice President was not  
20 informed of his mission; that we did not -- that the Vice  
21 President did not receive a briefing about the mission after  
22 he returned, the Vice President nor I at the higher levels;  
23 and that the, the Vice President was not aware of the mission  
24 until later on, and what we saw was actually the NIE. I  
25 recall that that type of points Mr. Novak had. I have a note

1 in my notes, which is dated in late July, that I spoke to  
2 Novak or something about Mr. Novak regarding uranium, and so I  
3 tend to believe that was when I had my conversation with Mr.  
4 Novak. But I don't recall -- other than that, I can't fix the  
5 time of my conversation with Mr. Novak other than to think I  
6 had only one, that's all I recall, and I have no recollection  
7 of talking to him about the wife --

8 Q. Okay. Why don't I --

9 A. -- Ambassador Wilson's wife, excuse me.

10 Q. -- why don't I show you the July 14th column by Mr.  
11 Novak which is marked as Exhibit --

12 MS. KEDIAN. One.

13 MR. FITZGERALD. -- 1.

14 WITNESS. Thank you.

15 MS. KEDIAN. You're welcome.

16 GRAND JUROR. Excuse me. Is it possible in a few  
17 more minutes we can do a bathroom break?

18 MR. FITZGERALD. Sure. Is 2:15 okay?

19 GRAND JUROR. 2:15 okay? That will work?

20 GRAND JUROR. Yeah.

21 GRAND JUROR. Okay, all right.

22 BY MR. FITZGERALD:

23 Q. Take a moment and read the column. (pause) While  
24 you're reading I'll tell you the questions I'm going to ask so  
25 I don't --

1 A. Thank you. That would be helpful.

2 Q. In reading this column, could you look to see if you  
3 believe you're the source for anything in the column which  
4 would indicate that you spoke to Mr. Novak before July 14th.

5 A. I was not the source for Mr. Novak, but I will read  
6 it as you instruct.

7 Q. And I just meant the source either about Mr.  
8 Wilson's wife or anything else in the column.

9 (Long pause while witness reading.)

10 BY MR. FITZGERALD:

11 Q. Having read the column, anything in there remind you  
12 of anything you -- any conversation you might have had with  
13 Mr. Novak prior to July 14th?

14 A. No. There's at least one thing in here that's wrong  
15 but it doesn't remind me of a conversation I had with him.  
16 You know, in here he says there was a 1988 Iraqi delegation.  
17 I understand that to be a 1999 Iraqi delegation, not '88. So  
18 much later. So I think that that fact in here is wrong.  
19 There's something else in here that strikes me as wrong but  
20 I don't --

21 GRAND JUROR. Could you speak up?

22 WITNESS. I'm sorry.

23 GRAND JUROR. I'm having a hard time hearing you.

24 WITNESS. I thought that there is something in the  
25 column which I believed to be wrong in that Mr. Novak reports

1 that there was an Iraq -- that Ambassador Wilson reported that  
2 in 1988, Mr. Novak says, an Iraqi delegation had gone to Iraq  
3 (sic) to ask about uranium, and in fact my recollection of it  
4 was that it was 1999 that that delegation went, much closer to  
5 the period of the war. And then there was something else in  
6 here that struck me as wrong, but I don't believe I was the  
7 source for any of this so --

8 BY MR. FITZGERALD:

9 Q. Do you have any recollection of speaking to Mr.  
10 Novak prior to July 14th about the substance of the State of  
11 the Union address, Mr. Wilson or his trip to Niger?

12 A. I don't. If I could repeat what I said before. I  
13 recall that I talked to Mr. Novak -- I recall it as one time.  
14 I recall it as having covered the basic points that were quiet  
15 useful, that you just took away, but the four points, I think,  
16 that were in that exhibit that you showed me before.

17 Q. Okay.

18 A. And I recall that he had all of those points. He  
19 basically talked to me is what I recall, more than my saying  
20 anything to him. He had all of this stuff. But I don't know  
21 when that was except there were some e-mails and things which  
22 lead me to believe, and my note leads me to believe that it  
23 was more like somewhere between, you know, July 25th and 28th.  
24 So 10 days to two weeks after the column, after this column  
25 appeared.

1 MR. FITZGERALD. Okay. Why, why don't we take the  
2 break that we promised the Grand Jurors. So if you want to  
3 walk out first, Mr. Libby, and then we'll make sure that we  
4 can get you --

5 WITNESS. Sorry.

6 MR. FITZGERALD. -- out the door.

7 (Whereupon, the witness was excused at 2:16 p.m.)

8 (Whereupon, the witness was recalled at 2:31 p.m.)

9 GRAND JUROR. I just want to remind you that you're  
10 still under oath.

11 WITNESS. Thank you, sir.

12 GRAND JUROR. You're welcome.

13 BY MR. FITZGERALD:

14 Q. Now, sir, when we broke you had read the Novak piece  
15 and your recollection was that to the best of your memory you  
16 had spoken to Novak about the uranium, uranium/Niger  
17 controversy July 25th to 28th, making reference to some notes  
18 you made about Novak. Is that correct?

19 A. It -- it's only the notes, sir, that give me a sense  
20 of when I spoke to him. I don't, I don't know otherwise. I  
21 know I talked to him once during this period. My note -- I do  
22 have a note somewhere around the 25th or the 28th which  
23 indicates something about Novak and uranium, and there is  
24 subsequently some e-mails that I've seen so that indicates  
25 that to me that was the time, because I only remember one conversation.

1 Q. Okay. If you spoke to Mr. Novak during this period,  
2 the time frame from July 4th -- July 6th to July 14th, would  
3 that stick out in your mind?

4 A. Well, one conversation does stick in my mind.  
5 That's, that's all. So one, one does.

6 Q. The conversation you described?

7 A. Yes, I described a conversation and I don't know  
8 when it was in the period is what I'm trying to say.

9 Q. Okay. Have you been a source for Novak in the past?

10 A. I, I don't know -- I don't think I was a source for  
11 Novak on this one, but I have not been -- he's not somebody  
12 who calls me regularly. I see him sometimes at -- you know,  
13 they have these humongous dinners in Washington where  
14 everybody comes and I'd see him sometimes at those. I saw him  
15 once in '02, but he's not somebody who calls me regularly. He  
16 does occasionally call.

17 Q. And have you at times given him information off-the-  
18 record or on background to use in his column?

19 A. I've talked to him at times off-the-record, but not,  
20 not -- my recollection is not frequently, and I don't know --  
21 I don't think I've ever intended to give him something for his  
22 column. You know, if you talk to him at a, at a social event,  
23 I'm not trying to give him something for his column. I don't  
24 think I've ever called him, you know, as I will, as we'll be  
25 discussing later on, to -- here's a message that we think

1 | America needs to know type of thing.

2 |       Q.    Have you -- so we're clear on that, have you ever  
3 | had a conversation with Mr. Novak in which you wanted him to  
4 | report something in a column that you gave him?

5 |       A.    I don't, I don't recall that. I don't recall doing  
6 | that ever.

7 |       Q.    Have you ever had a conversation which Mr. Novak  
8 | asked you for information that he wanted to put in a column  
9 | and you gave it to him?

10 |       A.    Not -- I don't think I've had one where he said this  
11 | is for a column. I think he has called me from time-to-time  
12 | and presumably he was looking for something like that. And  
13 | I'd seen him at these social events when he will sometimes  
14 | talk about an issue of the day. I've always assumed those to  
15 | be off-the -- or said off-the-record to him on that stuff, so  
16 | I've not intended to be a source for him on a column, that I  
17 | recall.

18 |       Q.    Putting aside a social occasion where you see him at  
19 | dinner and he says what do you think of X-topic, has he ever  
20 | called you at your office asking for information where you  
21 | understood that he wanted it for his column?

22 |       A.    Well, there were these calls that the e-mails  
23 | reflect in July, and there probably were some calls earlier  
24 | on. He's not someone I normally try and reach out to or I  
25 | normally try and deal with.

1 Q. And my, my question was sort of the other way  
2 around. Not that -- did you ever reach out to him but --

3 A. He has --

4 Q. -- did he reach out to you in a non-social context  
5 asking you questions about what's going on in the hopes that  
6 you will give him information or confirm something?

7 A. Yes, sir, he has called sometimes. I don't recall  
8 exactly how frequently to talk to me and I have talked to him  
9 a few times. I don't think I talked to him a lot.

10 Q. Have you ever provided information to him knowing  
11 that it would appear in a column?

12 A. I don't think I've ever intentionally provided  
13 information for a column.

14 Q. And I could show you --

15 A. I think I've only talked to him off-the-record, for  
16 example, which is not supposed to appear in a column.

17 MR. FITZGERALD. I'll show you a phone bill which  
18 indicates on -- I believe July 8th and July 11th Mr. Novak  
19 called you during that week.

20 MS. KEDIAN. This is Exhibit 56.

21 BY MR. FITZGERALD:

22 Q. And since you know your number better than I, do you  
23 see your number? Do you see your number appearing on the  
24 phone bill?

25 A. I see one here from the 8th for one minute at 4:46.

1 Am I reading this correct? Is that what you --

2 Q. Yes.

3 A. I don't know what 2369 is. That's not my number, is  
4 it? 456-2369, it's not my main number. And 833-899 is not my  
5 number.

6 Q. We're looking at the four --

7 A. Yeah, I see two calls here. One -- I should let you  
8 ask me. I'm sorry, sir.

9 Q. Okay. Do you see any calls to your telephone number  
10 on the bill?

11 A. The only number I recognize as mine is 456-9000 and  
12 I see them for July 11 and July 8, and they each look to be  
13 one minute long if I read this properly.

14 Q. And do you know if you called him back in response  
15 to either of those calls?

16 A. I don't think I did, but I don't know. As I say, I  
17 know there was one phone call with Mr. Novak. It was a call  
18 where I returned the call from him and I don't know when that  
19 call was, but I was assuming it was from the other period  
20 because that's when my note is.

21 Q. Do you recall ever discussing with Mr. Novak  
22 providing him a time line of events regarding the State of the  
23 Union address which would discuss how the, how the process  
24 worked in preparing the State of the Union, State of the  
25 Union?

1 A. Time line?

2 Q. Either in writing or orally describing to him the  
3 time line in which events worked, describing how the State of  
4 the Union and other speeches were prepared?

5 A. I don't.

6 Q. Is it possible you talked to Mr. Novak about  
7 providing a time line of what happened, in what order, in  
8 order to better explain how the State of the Union came to  
9 pass?

10 A. In this time frame?

11 Q. At any time frame.

12 A. I don't recall any such discussion. I certainly  
13 don't recall it during this week when we were working  
14 intensively on what Director Tenet would say in his statement  
15 or National Security Advisor Rice, although it ended up being  
16 a Director Tenet's statement. And I don't recall discussing  
17 with him a time line. It's a sort of -- generally sort of  
18 harmless subject that I guess I could have and not remember  
19 but I can't recall it.

20 Q. Do you recall talking with anyone else in the  
21 administration about your seeking to provide information for  
22 a time line about the process by which the State of the Union  
23 came about?

24 A. Oh, that could be. You mean someone in the  
25 administration?

1 Q. Telling them that you -- whether you should do this  
2 for Mr. Novak.

3 A. Oh. I don't, I don't recall discussing it with  
4 regard to Mr. Novak. Somebody else's phone call to Mr. Novak  
5 perhaps?

6 Q. No, I'm saying whether you discussed, whether you,  
7 Mr. Libby, should give Mr. Novak an outline of a time line by  
8 which the State of the Union was created?

9 A. I don't recall that, but you know, it, it -- I don't  
10 recall it. It could be but I don't recall it.

11 Q. Let me show you what has been marked as Grand Jury  
12 Exhibit 7. First, I'll ask you if you recognize the  
13 handwriting on those notes?

14 A. It's not my handwriting. It, it might be Cathie  
15 Martin's handwriting. It's, it's in that ball -- that type of  
16 writing. I don't know for sure.

17 Q. You can assume for purposes of this that it is  
18 Cathie Martin's handwriting.

19 A. Yes, sir, I will.

20 Q. And assuming that these are notes prior to July  
21 14th, do you see the reference to Bill Harlow?

22 A. Yes, sir.

23 Q. And assuming there are notes from July 8th or prior,  
24 "CIA and DCI talked to VP about it today." And then down  
25 below, "Harlow, don't know anything on ambassador. We had

1 | stuff sensitive source," an arrow, and then what appears to be  
2 | charge in Baghdad. You'll agree with me that charge is a  
3 | French word for State Department-type person, ambassador  
4 | official?

5 |       A.    Yes.  That's a fair description, sir.

6 |       Q.    And then beneath that, "married to a CIA agent"?  
7 | And I asked you -- looking at this, does this refresh your  
8 | recollection as to whether or not Cathie Martin was discussing  
9 | with you in periods prior to your conversation with Tim  
10 | Russert the fact that the person who was involved in Iraq in  
11 | this trip to Niger is married to a CIA person and whether or  
12 | not it refreshes your recollection on whether or not that was  
13 | brought to the Vice President's attention during that week  
14 | prior to your conversation with Mr. Russert?

15 |       A.    It doesn't.  May I finish reading the page?

16 |       Q.    Sure.

17 |            (Long pause while witness reading.)

18 |       A.    Do you know what this word, "CIA --"

19 |       Q.    Folks?  I would read it as folks.

20 |       A.    Folks?  Orally -- bottom lines goes something in a  
21 | report?

22 |       Q.    Goes out --

23 |       A.    "Goes out in a report."  Quite right.  It doesn't.

24 | I don't know about the "charge in Baghdad" line if that's what  
25 | that is.

1 Q. Is it fair to say that Ambassador Wilson had been a  
2 charge in Baghdad back in the first Gulf War and had attained  
3 some fame for the fact that --

4 A. Yes, sir, that's right, yeah, that's correct.

5 Q. And looking at a "sensitive source" who reported  
6 that Niger official had nothing to do with the report, arrow,  
7 charge in Baghdad, married to a CIA agent?

8 A. Niger official had nothing to do with report. There  
9 are a lot of Niger officials referred to in his piece. The  
10 one time he refers to a Niger official sort of uniquely is  
11 when the guy was saying that there was an attempt to purchase  
12 uranium. But this does not -- I, I don't know when, if at  
13 all, she communicated this to me, but it doesn't change my --  
14 what I said to you before that. I don't recall any discussion  
15 with Cathie prior to when I heard it from Russert, and my  
16 recollection that I was surprised when I heard it from  
17 Russert. That's -- this doesn't change my recollection on  
18 that.

19 Q. Do you remember speaking with a reporter named  
20 Judith Miller on July 8th?

21 A. Yes, sir, I do.

22 Q. And is she a reporter who had been imbedded with the  
23 forces over in Iraq?

24 A. She was in Iraq. I don't recall if she was imbedded  
25 or not, but she was in Iraq doing reporting in Iraq.

1 Q. And at the time in June of 2003 there was some  
2 controversy in the press about whether or not her journalistic  
3 credentials had been compromised by some people criticizing  
4 that she was a mouthpiece of the administration, to put a  
5 blunt word on it? I'm not saying that's true or not, but was  
6 that criticism being made?

7 A. I don't recall. I don't recall that but I'll take  
8 your word for it.

9 Q. Do you know if she did columns with her byline that  
10 stopped appearing in June, July of 2003 for some time?

11 A. I don't really. I did not notice that.

12 Q. Do you know what occasioned your meeting with Judith  
13 Miller on July 8th?

14 A. Yes, I believe I had met with Judith Miller once  
15 before, or this was the first meeting, but I think she may  
16 have come to my office once before. She's a very -- from my  
17 point of view, responsible reporter who has had a long  
18 interest in the biological warfare issue. She wrote a book  
19 about it called "Germs" with another fellow, Steve Engleberg,  
20 who I know. They had actually talked about me a little bit in  
21 that book, but I had never met her. I talked to her, Steve  
22 Engleberg, and so I wanted to meet her because I think  
23 she's -- she cares about the issue and really tries to  
24 understand what's going on with the biological threat, you  
25 know, that the threat that someone would use a biological

1 agent to attack America or other places. And so I had wanted  
2 to meet her.

3 In -- as we started to go through the week of July  
4 7, after the Wilson report, the Vice President thought it was  
5 very important that the NI -- what was in the NIE become known  
6 publicly because the National Intelligence Estimate, the NIE,  
7 came out in October of '02, as I mentioned earlier, six months  
8 after Ambassador Wilson's trip and had concluded that Iraq had  
9 tried to buy uranium from Niger, and this -- the NIE is the  
10 consensus document of the committee, and this section of the  
11 NIE is quite straight-forward, Iraq vigorously began trying to  
12 procure uranium. So flat out statement which supports what  
13 the President said in the end in the State of the Union. And  
14 so we thought it was important that the NIE come out. There  
15 was also another document, and I guess I need your guidance as  
16 to whether I can talk about that document.

17 Q. Is it dated January 24th?

18 A. That's correct, yes.

19 Q. Just describe the January 24 document generically.

20 A. Okay. The January 24 document had the exact same  
21 content as the NIE, word-for-word as the NIE, and also saying  
22 that Iraq had vigorously begun trying to procure uranium from  
23 Niger. And it listed a couple of examples, not just Niger but  
24 two other examples. And one of the examples, as I recall, is  
25 the 1999 delegation, or seems to be the 1999 delegation that

1 | went to Iraq that Ambassador Wilson himself told the CIA  
2 | about, according to this cable.

3 |           So both in October of 2002, and in January 24, three  
4 | days before the State of the Union, the CIA in writing sent to  
5 | the White House this consensus language which said Iraq had  
6 | tried to buy uranium from Niger, the exact point that the  
7 | President was making in the State of the Union. That's what  
8 | the Vice President had seen. It's the only thing the Vice  
9 | President had seen after the -- Wilson went out on his trip  
10 | six months after, and that at least was the primary thing he  
11 | had seen. I don't know of anything else. And it was pretty  
12 | definitive against what Ambassador Wilson was saying, and  
13 | that's the way Director Tenet reports it on July 11 when he  
14 | issues his public statement. So we thought it was important  
15 | that Judy Miller, or somebody, report this. Now, I was  
16 | unaware that she was actually not writing in this period and  
17 | the Vice President instructed me to go talk to Judy Miller, to  
18 | lay this out for her. And I said, that's a problem, Mr. Vice  
19 | President, because the NIE is a classified document. And the  
20 | Vice President said that he would talk to the President and  
21 | get the President's approval for us to use the document. I  
22 | had previously spoken to our General Counsel, David Addington,  
23 | and our General -- and ask our General Counsel, does the  
24 | President have the ability if he wants to take any document  
25 | and say it's declassified, go talk about it? And Mr.

1 Addington had told me, as our Counsel, that if the President  
2 says to talk about a document to the press, or publicly, it is  
3 declassified as of that moment, he has that power to do that,  
4 and he cited a case to that effect. The first time he told me  
5 the case name, I forgot it. But I made a note and talked to  
6 the Vice President before July 8 and told him about this --  
7 that I could talk to her about the NIE, but he would have to  
8 get the President to declassify it in effect before I could  
9 talk about it. Now, the NIE is -- becomes officially  
10 declassified by the CIA and is actually disseminated publicly,  
11 I think on July 18 or some time during that next week. But  
12 this was in advance while they were still working that  
13 process. The President came back to the Vice President and  
14 said, yes, it would be okay, or I should go talk to somebody,  
15 and I selected Judy Miller because I know her to be a  
16 responsible reporter. It was, I guess, a poor choice if she  
17 wasn't actually writing in that period. But that was my --  
18 that was who I went to talk to.

19           The Vice President told me to talk to her. I  
20 forgotten exactly what day. I did not accomplish it right  
21 away. He came, he came back and said, you know, wait on that  
22 a -- you know, a bit, and I waited. He then came back again  
23 from meeting with the President and said, go ahead and talk  
24 about it. And so I called Judy Miller up and went and had a  
25 discussion with her.

1 Q. And just so we're clear and so the Grand Jury's  
2 clear, to the extent I referenced that there were, there were  
3 at least press reports indicating that she was not writing  
4 under her byline and some people had criticized her for her  
5 lack of objectivity, that's not all a statement that we're  
6 either one, interested in determining her objectivity or  
7 commenting on her credentials.

8 A. I understand.

9 Q. Here's my question now. When -- you indicated that  
10 there was efforts to declassify the NIE. Correct?

11 A. Yes, sir.

12 Q. There was efforts at times to declassify the January  
13 24th report as well?

14 A. The exact same content, so I don't, I don't know how  
15 that technically works when it's the exact same content. But  
16 the Vice President was of the view, and I was of the view,  
17 that both documents should -- the public should have all of  
18 the documents basically because they were all useful for the  
19 public to have.

20 Q. And was there also an effort to declassify the  
21 reports concerning the Wilson trip?

22 A. There's only one report that I knew of which was  
23 the -- report, I guess I should say that the CIA had issued,  
24 and yes, we also wanted that to be declassified. And I was  
25 told that that was declassified by the CIA although I don't

1 know that he's ever actually -- they've ever actually issued  
2 it.

3 Q. And when you had this conversation with Mr.  
4 Addington, do you recall where that conversation took place  
5 about the law of declassification?

6 A. I think actually it was in the corridor outside my  
7 office the first time, although I'm not sure. I went back --  
8 after he told me the fact and the case name, I later went back  
9 to him to get the case name again, just to make sure he was  
10 sure, and he gave me the case name and I wrote that down in my  
11 notes also. Navy versus Egan, I think it is.

12 Q. Did you ever read the case?

13 A. I did subsequently.

14 Q. Did it appear to say what you thought Addington said  
15 that it meant?

16 A. Within reason, yes, sir. But Addington is very  
17 solid on these things.

18 Q. And just so we're clear, David Addington is the  
19 General Counsel to the Office of Vice President? Correct?

20 A. Correct, sir.

21 Q. And does he have experience particularly in  
22 intelligence matters?

23 A. Yes, he does, sir. He worked on the -- if I recall,  
24 on the Intelligence Committee, and I think he was Counsel -- a  
25 Counsel at the CIA at one point, and he was, I believe,

1 | General Counsel of the Defense Department at one point. So he  
2 | has -- his specialty is national security law.

3 | Q. And can you recall what -- in your conversation with  
4 | Mr. Addington about declassification, do you recall if you  
5 | discussed any other topics with Mr. Addington at the time?

6 | A. Yes. I also discussed in that conversation or close  
7 | to that conversation, the question of whether there was a  
8 | contractual obligation for Mr. Wilson. You know, whether it  
9 | was normal for somebody as an agent of the -- someone going  
10 | out on a mission for the Agency to be able to just talk about  
11 | the mission, which he had done, or whether there was some --  
12 | you had to sign some agreement of some sort that you wouldn't  
13 | be talking about it. And he told me that it takes all sorts  
14 | of different forms.

15 | Q. And did you have a discussion with Mr. Addington in  
16 | which the topic came up as to whether the President could  
17 | declassify a matter if the Director of Central Intelligence  
18 | decided not to do so?

19 | A. Mr. Addington said that the President has the  
20 | absolute right to declassify whatever he wants to declassify.

21 | Q. And did the issue of whether or not he could in  
22 | effect overrule the Director of Central Intelligence and  
23 | declassify something come up?

24 | A. No, he never told me that that was a qualification  
25 | on the President's right to declassify.

1 Q. And maybe you misunderstood me. I'm not saying  
2 there is.

3 A. Oh.

4 Q. Did you ask him whether or not the President could  
5 declassify, if the Director of Central Intelligence refused to  
6 declassify?

7 A. I said, does the President have the right to  
8 declassify no matter what? And he said, yes. That -- those  
9 are not my words, but the point was, that the President had  
10 the absolute right to, to declassify something if he wanted to  
11 declassify something. Yes, sir.

12 Q. And did you have concerns during the week of July  
13 7th as to whether or not the statement that Director Tenet  
14 would ultimately issue, which came out on July 11th, would be  
15 adequate to serve the interests of explaining the  
16 administration's position?

17 A. Yes, sir.

18 Q. And did you -- and in light of those concerns were  
19 you concerned about whether or not the July 11th statement, or  
20 the Tenet statement, was inadequate, whether or not an effort  
21 would be made to declassify more materials by going to the  
22 President?

23 A. Could you repeat the question? I didn't get it  
24 straight.

25 Q. Did you discuss with Mr. Addington whether or not it

1 | might be necessary to declassify additional materials beyond  
2 | whatever George Tenet would put in his statement?

3 |       A.    No, we didn't discuss it in that context.  At that  
4 | point in the week it was my, my understanding that they  
5 | were -- the CIA was looking at declassifying all of this  
6 | stuff.

7 |       Q.    And do you recall the circumstances of your  
8 | conversation with Mr. Addington?  Was it something that was --  
9 | you considered especially sensitive to discuss this with Mr.  
10 | Addington?

11 |       A.    No, but it was -- he understood it to be a serious  
12 | question that required him to give a correct and serious  
13 | answer.  But it was, it was not somehow -- it was nothing  
14 | super-secret, as you said earlier, about it.

15 |       Q.    Do you know if you discussed it with him in a  
16 | hallway or in an anti-room?  Do you have a, do you have an  
17 | office at the White House yourself?

18 |       A.    Yes.

19 |       Q.    Okay.  What do you use as an office at the White  
20 | House?

21 |       A.    I have an office, it's 236 or something.  It's on  
22 | the second floor.  I have -- I have one in the West Wing, a  
23 | very tiny little office, and I have a bigger office in the  
24 | Executive Office Building.

25 |       Q.    And where did this conversation with Mr. Addington

1 take place?

2 A. I don't recall the -- where the first conversation  
3 took place. The second one, when I went back to him to get  
4 the case name again, I guess there were three in that sense.  
5 The first time I raised it, and then he either answered me --  
6 he answered me right there, I think. And then the  
7 conversation where he gave me the case name was in the  
8 corridor. But we had already discussed it. It was just that  
9 I wanted to get the case name.

10 Q. Do you ever recall telling Mr. Addington to lower  
11 his voice, or to shush, or not to speak too loudly about this?

12 A. Could be. No, I'm sorry, I don't, I don't recall  
13 specifically telling Mr. Addington to lower his voice.

14 Q. You said it could be though. Do you have any  
15 recollection of telling him --

16 A. Actually, he's not that loud spoken a guy, so -- but  
17 I don't recall it.

18 Q. Now, getting back to your conversation with Judith  
19 Miller, did you talk about Mr. Wilson with Judith Miller, and  
20 his trip?

21 A. I don't recall specifically discussing about  
22 Judith -- with Judith Miller about Mr. Wilson, but I did -- I  
23 do recall specifically discussing the NIE and as it relates to  
24 uranium, and therefore I'm pretty certain that I did discuss  
25 Mr. Wilson's trip at the same time because of how it fits in.

1 I just don't recall the details of it in that way.

2 Q. And do you know if you discussed Mr. Wilson's wife  
3 and her employment with Ms. Miller?

4 A. I do not believe I discussed Mrs. -- Mr. Wilson --  
5 Ambassador Wilson's wife in this conversation with Ms. Miller.

6 Q. And is it also your testimony that your belief was  
7 at the time of the Judith Miller conversation you did not  
8 recall what you had learned about Wilson's wife working at the  
9 CIA?

10 A. It is, sir. But I recall this was, this was a  
11 couple days before I talked to Tim Russert and I recall being  
12 surprised by what Tim Russert told me.

13 Q. And do you recall on July 9th, which would be the  
14 Wednesday following the Novak, Novak -- Wilson Op-ed  
15 appearing, do you recall a morning meeting that was chaired by  
16 Stephen Hadley at the White House?

17 A. There are many -- I don't recall July 9th in that  
18 sense. Could you give me more about the meeting?

19 Q. Do you recall that --

20 A. He chairs lots of meetings, I'm sorry.

21 Q. Do you recall a circumstance in which Mr. Hadley was  
22 angry that some White House officials had evidently spoken to  
23 Andrea Mitchell and to David Martin and he indicated that  
24 George Tenet was very upset by what had appeared on the TV the  
25 night before in terms of David Martin's broadcast and Andrea

1 Mitchell's broadcast?

2 A. Yes, sir, I do recall that.

3 Q. And do you recall him looking at Claire Buchan and  
4 Cathie Martin during that conversation as if -- his belief  
5 that they might be responsible?

6 A. It's -- I don't recall that, but it's possible.

7 Q. And do you recall -- was that the day following your  
8 conversation with Andrea Mitchell? Had you spoken to Andrea  
9 Mitchell and David Martin the day before Mr. Hadley expressed  
10 his concern about their press coverage?

11 A. It could be. I don't know the dates. I did speak  
12 to them. I don't remember the dates on which I spoke to them,  
13 or, or what the details were.

14 Q. Do you remember when Mr. Hadley was angry about  
15 people speaking to those reporters, if you recall sitting  
16 there at the time thinking, I just spoke to those reporters?

17 A. That could be. Yes, sir. I, I do recall a  
18 conversation like that. Yes, sir.

19 Q. Do you know if you told Stephen Hadley, the Deputy  
20 National Security Advisor -- Deputy in charge of NSC, that you  
21 had spoken to Andrea Mitchell or David Martin?

22 A. I don't recall if I told him. I don't, I don't know  
23 that I told him.

24 Q. And do you recall whether or not Cathie Martin came  
25 to the Vice President's Office and told him in your presence

1 that Stephen Hadley was angry and thought that she had been  
2 the one speaking to the reporters, Mitchell and Martin?

3 A. I, I think I do recall that. Yes, sir.

4 Q. Okay. What do you remember about that?

5 A. About that, that she was -- that there was this  
6 conversation, that Hadley was upset, reporting that  
7 Secretary -- that Director Tenet was upset. This rings a bell  
8 with me.

9 Q. And do you recall having to take any action as a  
10 result of the fact that Hadley was upset with Claire Buchan or  
11 with Cathie Martin?

12 A. No.

13 Q. Were either Claire Buchan or Cathie Martin excluded  
14 from any contacts with the Agency that week?

15 A. Cathie Martin -- I don't know about Claire Buchan.  
16 Cathie Martin was restricted from it -- I don't recall it  
17 being for that reason, but the state -- the Tenet statement  
18 became very close hold as it was being worked, and the boss  
19 kept it very small.

20 Q. And do you recall on July 9th Steve Hadley  
21 indicating at a meeting that we need to do something about  
22 Wilson now, we need to discredit him?

23 A. To discredit him?

24 Q. Yes.

25 A. I don't recall that particular phrase, but I'd have

1 to look in my notes. I was at meetings, there were a lot of  
2 meetings in that period and I'd have to check my notes.

3 Q. Forgetting whether the word "discredit" was used --

4 A. Uh-hum.

5 Q. -- do you recall the concept coming across from  
6 Stephen Hadley that we need to do something about Wilson now,  
7 or we need to discredit him, forgetting what words he used?

8 A. Yes, we definitely were interested in getting the  
9 Tenet statement out to refute what Ambassador Wilson was  
10 saying. So if you had said "discredit what he is saying,"  
11 there was lots of effort to get a statement out to discredit  
12 what he was saying. I just don't recall whether Steve Hadley  
13 used, used words about discrediting him personally as opposed  
14 to what he was saying. We were definitely trying to get out a  
15 statement. As I say, there was a debate whether it would be  
16 from Dr. Rice or from Director Tenet to discredit what he was  
17 saying because the record was actually quite good that what he  
18 was saying was not accurate, so we wanted to get that out.

19

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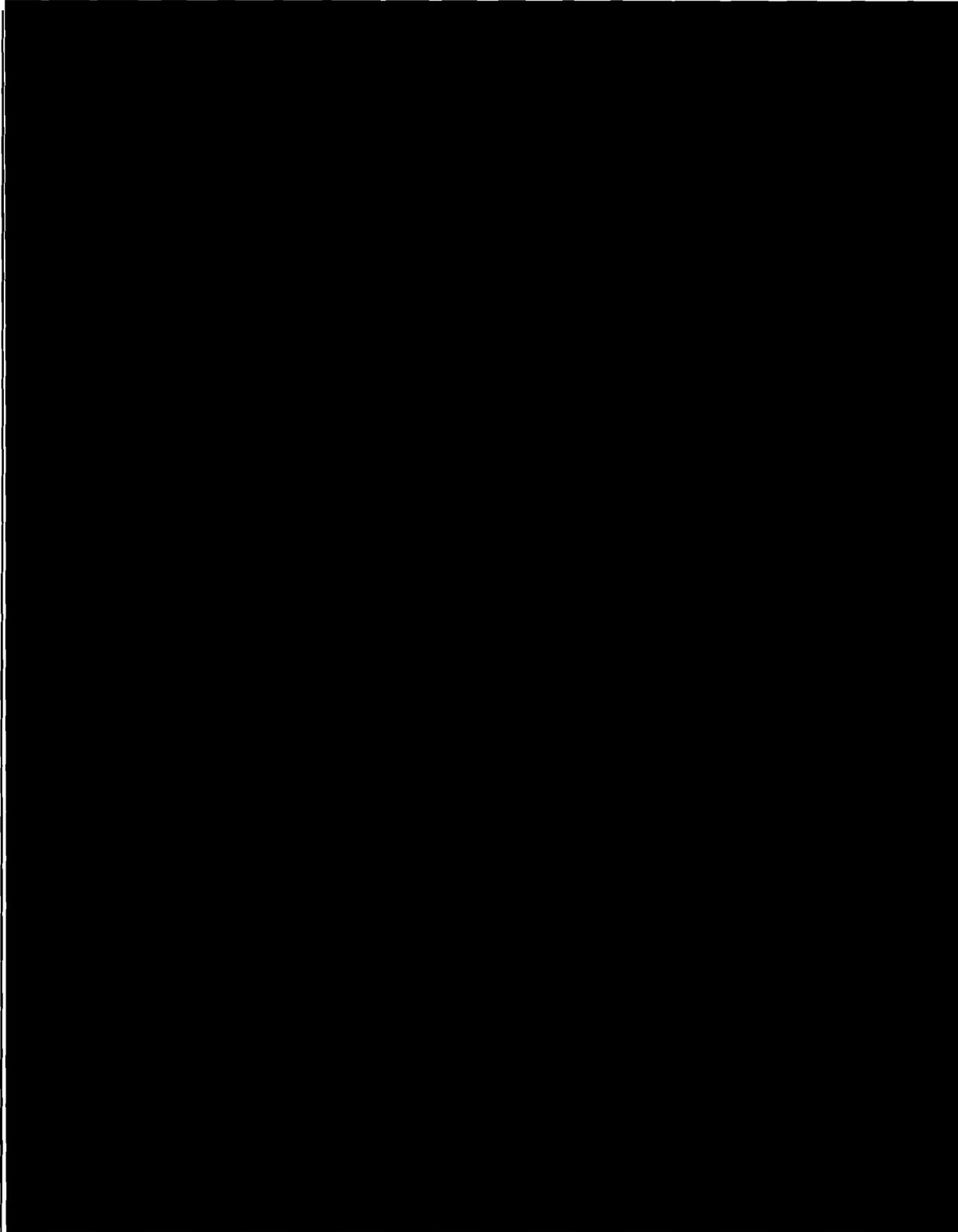
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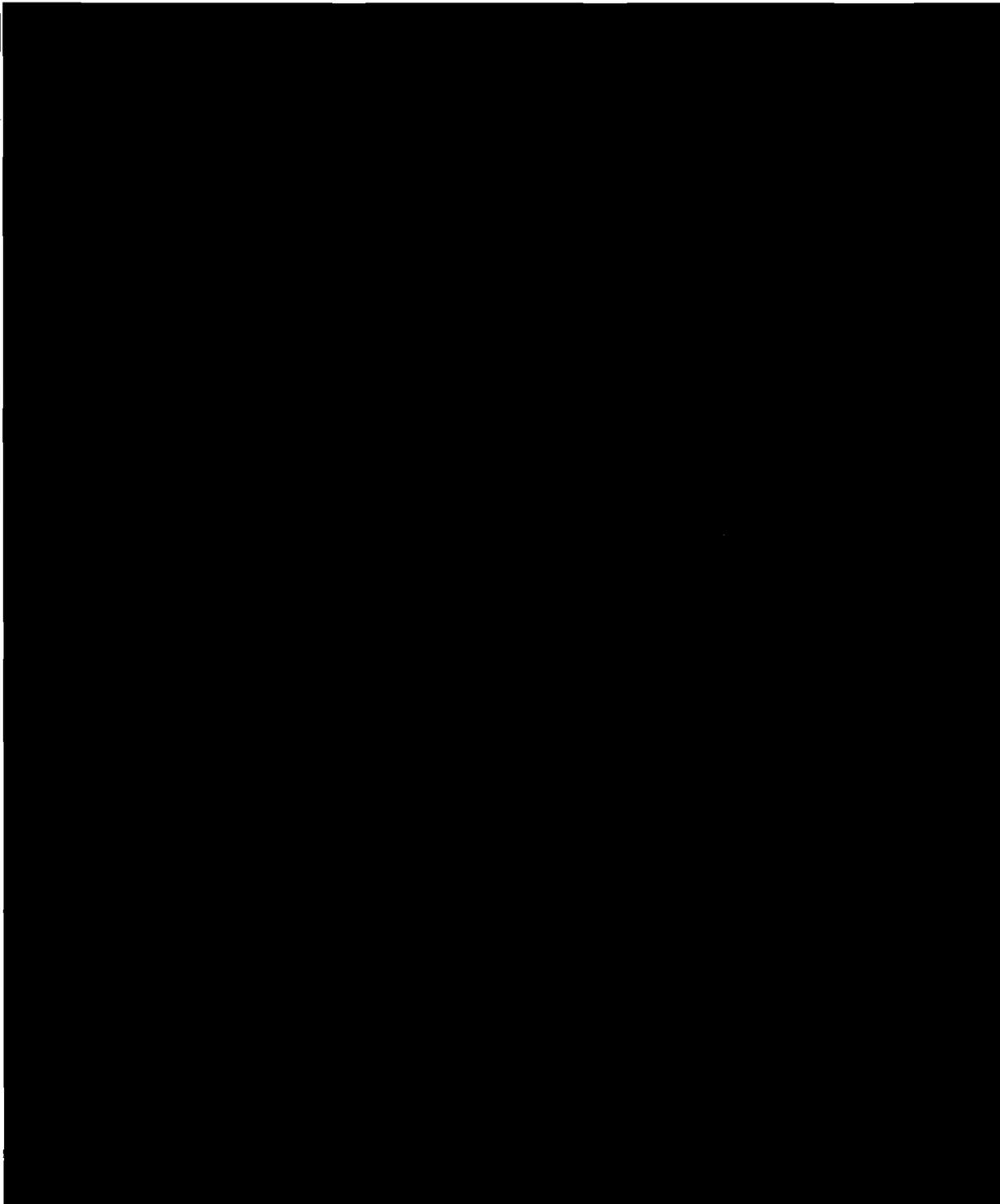
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MR. FITZGERALD. Let me show you what has been  
Bates Stamped as 1747.

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1 MS. KEDIAN. This will be Exhibit 58.

2 BY MR. FITZGERALD:

3 Q. And we'll deem that an exhibit again, just to make  
4 sure the classification level is correct.

5 A. Thank you, sir.

6 Q. And if you look down -- I'll point to you on the  
7 page.

8 A. Yes, sir.

9 Q. Do you, do you see what appears -- is this your  
10 handwriting?

11 A. Yes, sir, it is.

12 Q. Do you see --

13 A. Or most of it is. Some of it is not.

14 Q. -- senior staff?

15 A. Yes.

16 Q. That say, uranium story?

17 A. Yes.

18 Q. Can you -- why don't you just read that line across?

19 A. Uranium story is becoming a question of the  
20 President's truthworthiness (sic). Lead all new. Probably,  
21 "leads all the news" is what I was saying. It's turning to a  
22 process story is what the thought was, I believe. And then it  
23 has Mr. Rove at the senior staff meeting saying, "now they  
24 have accepted Joe Wilson as credible expert?" "We're one day  
25 late with getting CIA write response," I think that's what

1 | it --

2 | Q. Okay. Fair to say at the senior staff meeting,  
3 | there was concern expressed that this is a question going to  
4 | the trustworthiness of the President at this point?

5 | A. Yes, sir.

6 | Q. And there's a question here that's leading all the  
7 | news, and Rove is complaining that Mr. Wilson is being taken  
8 | as a credible expert?

9 | A. Yes, sir.

10 | Q. Fair to say that there was an effort to undermine  
11 | his credibility as an expert?

12 | A. I don't know about that. My view was that we could  
13 | get the facts out about what he had done, that would be more  
14 | than sufficient because the record was very clear about what  
15 | he had done and hadn't done, and that the CIA had not accepted  
16 | what he had done as, as refuting the point. So I don't know  
17 | that there was an effort to undermine him as a credible expert  
18 | for what he did. But that --

19 | Q. Well, in the effort to undermine the story were  
20 | people going around saying, let's undermine his story but  
21 | let's be very careful not to hurt him?

22 | A. I never heard that.

23 | Q. And is it fair to say that there was a considerable  
24 | degree of frustration at this point -- we're now in day --  
25 | this is, I believe, July --

1 MS. KEDIAN. I think it's the 8th --

2 MR. FITZGERALD. -- the 8th --

3 MS. KEDIAN. -- I believe.

4 BY MR. FITZGERALD:

5 Q. -- or the second day in on that week --

6 A. Yes, sir.

7 Q. -- two days of the Wilson story out there, Rove says  
8 we're a day late in getting responses to the story. This is  
9 going right to the President's trustworthiness and people want  
10 to set the President's record straight.

11 A. Yes, sir.

12 Q. Now, do you recall an effort being made to push back  
13 against Wilson's credibility that week?

14 A. Yes, I recall the effort being made to get -- we  
15 made a lot of effort that week to get the CIA Director or Dr.  
16 Rice -- as I say, it was initially not clear how it would be  
17 done, to issue a statement which would set the record straight  
18 about what Ambassador Wilson had said, and what he had found  
19 and not found, and the Agency had not found it to disprove the  
20 President's statement, and in fact found it to support the  
21 President's statement. The irony to all this was that if you  
22 read Ambassador -- when the CIA read Ambassador Wilson's  
23 cable, they thought the first part of it, as Director Tenet  
24 made clear at the end of the week, didn't disprove much at  
25 all. The first part of Ambassador Wilson's cable, he had --

1 the cable about what he had said -- Ambassador Wilson had gone  
2 to the government of Niger and said, I'm going to tell the  
3 United States government what you tell me. Did you in effect  
4 sell uranium to the number one enemy of America in the world  
5 which might use it to make an atomic bomb that might be used  
6 to threaten America? And a Nigerian official said, why no, we  
7 didn't do that. And I think the CIA found, as Director Tenet  
8 said on the 11th, that there's only so much credibility you  
9 can add to that because it would be amazing if they said, yes,  
10 we did do that.

11           The second part of what Ambassador Wilson's report  
12 said was that in fact a delegation had come from Iraq to talk  
13 to the Nigerians, Nigerians, I think it's pronounced, as -- to  
14 see if they would sell uranium to Iraq or that's how the Niger  
15 official interpreted it. So, in fact, his cable was not taken  
16 by the CIA to disprove that Iraq had gone, as Director Tenet  
17 himself says on July 11th when he finally issues his  
18 statement. And in fact, there was evidence in the cable,  
19 which was directly contrary to what Ambassador Wilson was  
20 saying he had -- to telling America he had found which was  
21 there was no attempt to procure uranium. And so if you could  
22 just get that story out, maybe said better than I just said  
23 it, it would be pretty clear that Ambassador -- what  
24 Ambassador Wilson was saying didn't hold water in that he  
25 hadn't disproved it and his report wasn't definitive, and the

1 CIA had considered it and had still, six months later, issued  
2 an NIE, highest level of intelligence they have, which said  
3 Iraq did not try to procure uranium. So there was a strong  
4 attempt by us to get that -- get those facts out.

5 Q. Is it fair to say though that the sound bite you  
6 took away from Karl Rove is they're now accepting Joe Wilson  
7 as a credible expert? Correct?

8 A. Yes, sir.

9 Q. And is it fair to say that many would think that if  
10 Joe Wilson were hired because of nepotism, because of a  
11 contact he had at the Agency, that might undermine his  
12 credibility as an expert?

13 A. Some people may have taken it that way. That was  
14 never -- what I took out of it, the wife working there,  
15 Ambassador Wilson's wife working there, because what he did he  
16 was perfectly competent to do. What he did was he went and he  
17 sat down with the people from Niger and said, hi, I'm here,  
18 I'm going to talk to the United States government, as he says  
19 in an article, he sat down and had tea with them and asked  
20 them what they had done or hadn't done, and ambassadors do  
21 that all the time. So I thought he was very competent to do  
22 that mission.

23 Q. Sir, are you telling us under oath that you never  
24 thought that Mr. Wilson was hired because of nepotism?

25 A. I didn't know why he was hired and I did not know at

1 | this point, I think I had forgotten exactly how he came -- or  
2 | I don't think I knew how he came to be hired at this point. I  
3 | think that came out with the Rove report. What I, what I had  
4 | known but forgotten at that point was that his wife worked at  
5 | the division, but I didn't know at that point that his wife  
6 | had anything to do with hiring him as far as I can recall.  
7 | And on this day, July 8, as I've, as I've tried to make clear,  
8 | the best of my recollection is that I was surprised when I  
9 | learned from Russert that his wife worked there. So I think I  
10 | had forgotten it. That's what I, what I think. But the,  
11 | the -- I'm sorry.

12 |       Q. I just want to talk -- I'm, I'm focused on what you  
13 | thought of Mr. Wilson and not something else.

14 |       A. Yes, sir.

15 |       Q. And you're clear in your mind that you weren't  
16 | telling Ari Fleischer over lunch the day or two before that  
17 | look, here's some information that's hush-hush or on the q.t.,  
18 | Wilson's wife works at the CIA?

19 |       A. I'm, I'm -- I don't recall discussing that with,  
20 | with Ari Fleischer at lunch. I'm sorry, I just don't recall  
21 | it. Sorry to keep saying this. But all I recall is that I, I  
22 | recall being surprised on the 10th when I spoke to Tim  
23 | Russert.

24 |       Q. And we'll, we'll get to that conversation in a  
25 | moment.

1           A.    Yes, sir.  Can I just say one more thing about this  
2 note?  These are short -- my shorthand notes.  It, it doesn't  
3 mean it's exactly what he said.  He probably spoke in some  
4 greater length.  This is just what I took down as a flavor of  
5 it to relay back to my boss, to the Vice President.

6           MR. FITZGERALD.  Let me show you a document Bates  
7 Stamped 2906 from, I believe, July 10th, and I believe they're  
8 your notes, but I'll show them to you to check.  The originals  
9 if you have them.

10          MS. KEDIAN.  The originals, sure.

11          MR. FITZGERALD.  I can find it.

12          BY MR. FITZGERALD:

13          Q.  Looking at what we'll deem marked as Grand Jury  
14 Exhibit No. --

15          MS. KEDIAN.  Fifty-eight (sic).

16          BY MR. FITZGERALD:

17          Q.  -- 58, those are your notes from July 10th?

18          A.  Yes, sir.

19          Q.  Does that indicate --

20          MS. KEDIAN.  Excuse me, 59.

21          BY MR. FITZGERALD:

22          Q.  -- 59.  Does that indicate a meeting between you,  
23 the Vice President and Stephen Hadley?

24          A.  Yes, sir.

25          Q.  And then down below, is that an attribution, the

1 first one, to Stephen Hadley?

2 A. Yes, sir.

3 Q. And then "SH", and then it has a colon, and it has  
4 "MCL". Is that referring to McLaughlin?

5 A. Yes, sir.

6 Q. And is that Hadley quoting Deputy Director of  
7 Central Intelligence John McLaughlin?

8 A. Yes, sir.

9 Q. Colon, quoted GT. Is that McLaughlin quoting George  
10 Tenet?

11 A. Yes, sir.

12 Q. Okay. So is it fair to say that you're with the  
13 Vice President --

14 A. Yes.

15 Q. -- and Stephen Hadley?

16 A. Yes.

17 Q. Hadley is reporting back to you guys what McLaughlin  
18 is saying that George Tenet is saying?

19 A. Full credit, sir.

20 Q. Okay. And then during this time you guys are trying  
21 to get Tenet to make a good statement that will sort of take  
22 this issue out and restore the President's credibility?

23 A. Absolutely, sir.

24 Q. Fairly tense time?

25 A. Yes, sir.

- 1 Q. Okay. Now, it says, "Wilson is declassified"?
- 2 A. Yes, sir.
- 3 Q. Is that to you an indication that the report on  
4 Wilson was declassified?
- 5 A. Yes, sir.
- 6 Q. And then what does the next sentence say?
- 7 A. "We haven't started to declassify NIE." And then  
8 Steve Hadley started to say something which I didn't have time  
9 to write down.
- 10 Q. And the next attribution is that Hadley quoting  
11 Condi Rice?
- 12 A. Yes, sir.
- 13 Q. Okay. And what does that say?
- 14 A. "Spoke to President, he's comfortable."
- 15 Q. And does that indicate despite the stress of the  
16 time that the President is okay with -- so far with how things  
17 are going?
- 18 A. It's not clear to me what. There's a space missing  
19 there --
- 20 Q. Okay.
- 21 A. -- and I probably didn't write something down. I  
22 left a space to go back and I probably never got -- I never  
23 got back to it. So -- these things look sort of like a  
24 transcript but they're not really because there could be long  
25 moments when I don't write anything down. So she was saying

1 the President was comfortable about something, but I don't  
2 know what the antecedent was to --

3 Q. And the next line?

4 A. Says -- this is Steve Hadley saying, no question,  
5 it's better if we leak the NIE.

6 Q. What does that mean?

7 A. Steve Hadley is saying that it would be better if we  
8 got the NIE out, and "leak" means telling it to -- giving it  
9 to a reporter to say, you know, here's something you can write  
10 about. It's like an exclusive or something like that.

11 Q. And had the NIE been declassified at that point?

12 A. It had in the sense that the President had told me  
13 to go out and use it with Judith Miller. I don't, I don't  
14 know that Mr. Hadley knew that at that point.

15 Q. Okay. And did anyone decide to leak the NIE that  
16 week?

17 A. Well, the President had told me to use it and  
18 declassified it for me to use with Judith Miller. I don't  
19 think Mr. Hadley was told to go out and talk about it. I  
20 think Ms. Rice had talked about the NIE in general earlier in  
21 the week on television.

22 Q. And so --

23 A. Well, some time. I'm not sure when it was.

24 Q. -- so prior to July 10th you had talked to Judith  
25 Miller about the NIE?

1 A. Correct, sir.

2 Q. And your understanding is that even though it was a  
3 classified document the President had authorized you to talk  
4 to her about it?

5 A. Definitely, sir.

6 Q. And then -- and do you know if anyone decided to  
7 share the NIE -- did you tell Mr. Hadley at the time that you  
8 had already in effect leaked the NIE by -- with the  
9 President's approval by telling -- Judith Miller?

10 A. I -- yeah, I don't know if it's leaking once it's  
11 declassified and you're told to do it. I had talked to Judith  
12 Miller about the NIE at the President's, you know, at, at the  
13 President's approval relayed to me through the Vice President,  
14 and I did not tell Mr. Hadley at that time.

15 Q. And was there any reason why you didn't tell Mr.  
16 Hadley that you had told Ms. Miller about the NIE?

17 A. I was sitting with the Vice President. The Vice  
18 President knew it and chose not to tell Mr. Hadley and so I  
19 didn't change what he had done.

20 Q. Now --

21 A. And then there's a comment below it from the, from  
22 the Vice President.

23 Q. Yes?

24 A. Should I read that for you?

25 Q. Sure.

1 A. He says, "anything less than full and complete  
2 disclosure is a serious mistake." And Steve Hadley says, "I  
3 will -- I told that to George Tenet." So the Vice President  
4 is pushing it. He does on a number of these things, get all  
5 of this stuff out. Let's have every -- it's a good story,  
6 tell it all, get all these documents out to the public.

7 Q. Okay. And I'll deem this marked, and we'll take  
8 back custody of it. Fair to say that you went through the  
9 notes and there's a number of times where the Vice President  
10 during that week has said you need to get everything out?

11 A. Yes, sir.

12 Q. Tell the whole story. The whole truth has to get  
13 out. Anything less than that is a big mistake?

14 A. Yes, sir. That's exactly what we wanted to do.

15 Q. And that was a constant thing that week?

16 A. Yes, sir.

17 Q. And the Vice President, to be, to be blunt, was  
18 frustrated that it wasn't all getting out there and it wasn't  
19 sort of putting the story to rest, and he was sort of getting  
20 ticked off that we needed to resolve this issue?

21 A. I'm not sure I would use the word "ticked off", but  
22 he was frustrated. Yes, sir, that's a fair, fair statement.  
23 And this -- the statement from Director Tenet was supposed to  
24 come out -- first it was going to be, I think, Tuesday night,  
25 and then it was going to be Wednesday night. It took a long

1 time to get this statement out. It was useful when it did  
2 come out, but it took too long to get it out. People were  
3 saying, you know, "get it out".

4 Q. Now, tell me about the circumstances of your  
5 conversation with Mr. Russert.

6 A. Chris Matthews, who is an NBC correspondent, had  
7 been -- has a TV show at night, and he is a rather outspoken  
8 fellow. And he was saying on this television show that the  
9 Vice President sent Joe Wilson out on this mission, that the  
10 Vice President got a report back from Joe Wilson on this  
11 mission, that the Vice President therefore knew that the  
12 uranium report was false and should have stopped the President  
13 from putting it in the State of the Union. And I believe he  
14 said it both on the night of the 8th, the night of the 9th,  
15 and he was saying this even though the White House Spokesman  
16 had come out, the Office of the Vice President had come out  
17 and the CIA spokesman had come out, all of them had come out  
18 on the public record and said, the Vice President did not ask  
19 for this mission, he did not get a report back, the report  
20 wasn't definitive and the intelligence was actually the other  
21 effect. So Mr. Matthews was saying these things on national  
22 television, ignoring the public record, and not even referring  
23 to the public record. It would be one thing if he says, now,  
24 the White House has denied this, and the CIA has denied it,  
25 and the Office of the Vice President has denied it, but I'm

1 | telling you nonetheless that the Vice President asked for this  
2 | report, but he wasn't doing it. He was just saying flat out  
3 | that, that the Vice President had known this, and should have  
4 | told the President. Otherwise -- and me also, me by name.  
5 | And so this was frustrating to us and we wanted to get him to  
6 | acknowledge that the public record was other than he was -- as  
7 | he was saying. This wasn't the first time Chris Matthews had  
8 | said something negative about, about the White House, and I  
9 | had prior discussions about this with Mary Matalin who was for  
10 | the first two years, as I mentioned, lo these many hours ago,  
11 | had worked for the Vice President as our communications  
12 | person. And so I called Mary to find out what she thought we  
13 | could effectively do to try and get Mr. Matthews to  
14 | acknowledge the public record and to stop saying these things  
15 | in such an unqualified and incorrect fashion. I reached Mary  
16 | by phone and she had her own view of where we were and relayed  
17 | to me in depth her view of where we were. And -- but also in  
18 | the course of it said, look, the thing for you to do is to  
19 | call Tim Russert and she gave me his phone number which I  
20 | wrote on my notes which I turned over to you guys. And so I  
21 | called Tim Russert. Want me to continue?

22 | Q. Yes. Actually, before we -- yes, continue.

23 | A. Okay. So I called Tim Russert. I can't recall  
24 | whether I got him on the phone right away or whether he had to  
25 | call me back. When I eventually spoke to him -- this note

1 with Mary Matalin is dated on the 10th, and I think I called  
2 Mr. Russert sort of lateish on the 10th, either late afternoon  
3 or early evening and went through -- I, I got him on the  
4 phone, we had some -- we have mutual friends in common, I'd  
5 known him a little bit over the years, and then I, I didn't  
6 want to take up much of his time, and I turned to our issues.  
7 And I said, I had two things that were bothering me. One is  
8 that some things that Andrea Mitchell was saying, and I think  
9 that may have been the comment on the 8th that we referred to  
10 before, but it might have been something earlier, but I said  
11 that, I'm not really calling you tonight about what Andrea  
12 Mitchell is saying. I'm calling you about what Chris Matthews  
13 is saying. And then I ran through for him what it was that  
14 Chris Matthews was saying and why it was wrong and on the  
15 public record wrong. That it seemed to me good reporting, he  
16 at least had to say that the White House has denied this, the  
17 CIA has denied this, the Vice President's office has denied  
18 this. And Mr. Russert said -- after he got the facts about  
19 it, I am unclear, I apologize but I'm unclear as to whether he  
20 then said, I'll have to call you back, but I think he said,  
21 I'll have to call you back. And I think then there was a  
22 delay and then a second phone call with Mr. Russert. What I'm  
23 about to tell you is either in the second phone call, or if  
24 there was one phone call it was in the first phone call, I  
25 just don't recall. I -- my sense of it is that there was a

1 delay, a sort of longish delay which I was uncomfortable with.  
2 I think the second phone call was on the -- that there was a  
3 second phone call and it was on the 11th because it was a long  
4 delay. In any case, it was longer than I anticipated it would  
5 be for him to get back to me is my recollection. In any case,  
6 one of these two times we had a fuller conversation in which  
7 he told me, you know, he understood what I was saying, that  
8 there wasn't much he could do about what Chris Matthews was  
9 saying. He understood that it was not complete given that the  
10 public record was the other way. And then he said, you know,  
11 did you know that this -- excuse me, did you know that  
12 Ambassador Wilson's wife works at the CIA? And I was a little  
13 taken aback by that. I remember being taken aback by it. And  
14 I said -- he may have said a little more but that was -- he  
15 said that. And I said, no, I don't know that. And I said,  
16 no, I don't know that intentionally because I didn't want him  
17 to take anything I was saying as in any way confirming what he  
18 had said, because at that point in time I did not recall that  
19 I had ever known this, and I thought this is something that he  
20 was telling me that I was first learning. And so I said, no,  
21 I don't know that because I want to be very careful not to  
22 confirm it for him, so that he didn't take my statement as  
23 confirmation for him.

24           Now, I had said earlier in the conversation, which I  
25 omitted to tell you, that this -- you know, as always, Tim,

1 our discussion is off-the-record if that's okay with you, and  
2 he said, that's fine.

3           So then he said -- I said -- he said, sorry -- he,  
4 Mr. Russert said to me, did you know that Ambassador Wilson's  
5 wife, or his wife, works at the CIA? And I said, no, I don't  
6 know that. And then he said, yeah -- yes, all the reporters  
7 know it. And I said, again, I don't know that. I just wanted  
8 to be clear that I wasn't confirming anything for him on this.  
9 And you know, I was struck by what he was saying in that he  
10 thought it was an important fact, but I didn't ask him anymore  
11 about it because I didn't want to be digging in on him, and he  
12 then moved on and we finished the conversation, something like  
13 that.

14           Q.    How did the -- just focusing on your complaint about  
15 Chris Matthews' coverage, how was that resolved in --

16           A.    Oh, it was -- sorry.

17           Q.    -- the second conversation, if there was a second  
18 conversation, or the latter part of a long conversation?

19           A.    He said, you know, there's nothing I can really do,  
20 you're going to have to talk to his producer. And so in  
21 short, I struck out trying to get Mr. Russert to intercede.  
22 As the Bureau Chief for NBC News I was hoping he would  
23 intercede with Chris Matthews and say, you know, this isn't  
24 right, and this is NBC, you know, we have our standards and  
25 you shouldn't say these things if there's public denials on

1 the record. You should at least report them and I was hoping  
2 he would intercede with Mr. Matthews and get him to hopefully  
3 stop saying it at all, but at least put out our denials, the  
4 White House, and the CIA's, and the Vice President's denials,  
5 but he was unwilling or unable. In any case, he didn't do  
6 that. He said we should call his producer.

7 Q. And I assume when you said his producer, you mean  
8 Chris Matthews' producer?

9 A. Yes, thank you, sir, yes.

10 Q. And did he give you the name of the producer?

11 A. He did, yes.

12 Q. Do you remember what the -- the producer's name?

13 A. I have a note somewhere. I think it's Shapiro, I  
14 think.

15 Q. Did you actually call the producer?

16 A. Not that night, no, sir.

17 Q. Okay. What happened? Did you eventually call the  
18 producer?

19 A. I think -- I did not. I think we asked someone from  
20 the White House Press shop who knew the producer to call the  
21 producer.

22 Q. And do you know who that person was from the Press  
23 shop that called --

24 A. I think it was Adam Levine we asked to call.

25 Q. And did he achieve success, Mr. Levine?

1       A.    No, I don't think he did.  This conversation, as I  
2 recall it, was as I say, was late the 10th or I think more  
3 likely the 11th.  The 11th was the day that George Tenet's  
4 statement came out and I had some, turns out vain hope, that  
5 when Director Tenet came out and said Vice President Cheney  
6 didn't know about this report, we didn't circulate a report to  
7 him, the CIA on its own initiative was the one who asked for  
8 the mission, and that the report that we got back from  
9 Ambassador Wilson was not definitive, and in fact that there  
10 was evidence in the report that Iraq had sought uranium from  
11 Niger.  I thought all those facts, I was hoping, would temper  
12 what Mr. Matthews was saying.  I think the very -- that was on  
13 Friday night.  The following Monday night he was still saying  
14 the same thing, and so I think -- against what we hoped.  So  
15 on Tuesday, I think, we spoke to Mr. Levine and asked him to  
16 call, but I don't think we had any luck.

17               GRAND JUROR.  Mr. Fitzgerald, just five minutes, if  
18 we could stand up and stretch a little bit?

19               MR. FITZGERALD.  Okay, sure.

20               GRAND JUROR.  Okay?

21               MR. FITZGERALD.  Can it be two minutes?  Just a --

22               GRAND JUROR.  Two?  Okay.  Two and a half, five?

23               MR. FITZGERALD.  I mean, do you need five minutes  
24 to stretch or do you mean, in five minutes to stretch --

25               GRAND JUROR.  Well, can we stretch now for five

1 minutes?

2 MR. FITZGERALD. Sure.

3 GRAND JUROR. Okay. A little water, whatever.

4 MR. FITZGERALD. Okay. If you could just step out  
5 and we'll step out for five minutes.

6 (Whereupon, the witness was excused at 3:29 p.m.)

7 (Whereupon, the witness was recalled at 3:40 p.m.)

8 GRAND JUROR. I just want to remind you, Mr. Libby,  
9 that you're still under oath.

10 BY MR. FITZGERALD:

11 Q. 2907, and --

12 A. Thank you.

13 Q. No problem.

14 MS. KEDIAN. Exhibit 60.

15 BY MR. FITZGERALD:

16 Q. And again, we'll deem that as an exhibit, and if we  
17 need to -- deem it marked as an exhibit. If we need to place  
18 it before the Grand Jury, we'll verify that all the sections  
19 are appropriate.

20 A. Yes, sir.

21 Q. Is that -- are those are your notes from July 10th  
22 and a telephone conversation you had with Mary Matalin?

23 A. They are indeed, sir.

24 Q. Okay. And you mentioned earlier that she had given  
25 you Russert's telephone number. Would that be listed at the

1 top of the page?

2 A. Yes, sir.

3 Q. And what's under MM, is that the time of the call?

4 A. No, I think that says not, 6:15 to 7:15. And I  
5 think what she's telling me -- she's telling me not to call  
6 somebody between 6:15 and 7:15. I think it's actually  
7 probably Russert that she's telling me not to call in that  
8 period. And if that's the case, I wrote it in the wrong  
9 place, but that's what I think it is. It might be her but --

10 Q. Okay. And below that does it say, re Niger, Niger -

11 -

12 A. Yes.

13 Q. -- and go broad?

14 A. Yes.

15 Q. There was other evidence --

16 A. No, I'm sorry, other countries.

17 Q. Countries?

18 A. Yes.

19 Q. And is that H is a bad guy? Is it Hussein?

20 A. Yes.

21 Q. Does it say something -- well, why don't you just  
22 read that sentence?

23 A. Yes. It says, "go broad, there were other  
24 countries, Saddam Hussein is a bad guy, this is feeding into  
25 the Democrats' case that Bush's credible -- credibility

1 something, keep saying our story." And she says, "we need  
2 someone who can sum it up, Tenet-like" If I can editorialize  
3 for a second?

4 Q. Sure.

5 A. She, she did not know at this point that we were  
6 working on the Tenet statement very hard trying to get a Tenet  
7 statement out, and I don't tell her in this conversation, I  
8 don't believe. So she's saying, we've got to get somebody out  
9 there and while she's saying that we're struggling mightily to  
10 get this statement out, but I didn't tell her that because I  
11 didn't know if I was supposed to, as I recall.

12 Q. If you could skip to the first box --

13 A. Yes, sir.

14 Q. -- and just transliterate what's there?

15 A. She says -- this is Mary Matalin again saying, "get  
16 the New York Times, Sanger or someone, to expose Wilson's  
17 story, give it to them."

18 Q. And the next box?

19 A. "Story has legs. Fits the Democrats theory for the  
20 campaign," similar to what she said above, "will not go away,"  
21 the Democrats and then something that doesn't -- I didn't  
22 finish.

23 Q. And then the next sentence?

24 A. "Need to address Wilson motivation."

25 Q. And the next sentence?

1           A.    "We need to get cable out declassified, President  
2 should wave his wand." This is referring to the notion that  
3 he could declassify anything he wants, if he says so, that's  
4 what she means by wave -- he should wave his wand, meaning he  
5 should use his power to declassify anything.

6           Q.    And the next sentence?

7           A.    "Call Tim. He hates Chris." That refers to Chris  
8 Matthews. "He needs to know it all. He needs to know the  
9 whole story and that Chris Matthews is not getting it right."  
10 This is in relation to my request to her which is what spurred  
11 the phone call. How do we get Chris Matthews to stop saying  
12 these things without at least reporting our denials and  
13 preferably just stop saying these things because they're  
14 wrong?

15          Q.    And then there's two parentheticals down below, one  
16 and two. Could you read what one says?

17          A.    One says, [REDACTED]

18          Q.    And the second one?

19          A.    The second one says, "consider judgment of the  
20 intelligence community was that they," meaning the Iraqis were  
21 looking -- I didn't finish it, but for uranium is what it's  
22 saying.

23          Q.    Okay.

24          A.    And then it says, "eventually it will come out."  
25 That all this stuff will come out, we need to get it out.

1 Q. So Matalin's advice is, let's get the Wilson story  
2 out there, we need to address his motivation, Tim needs to  
3 know it all, and part of that she says that [REDACTED] ?

4 A. Yes, she's, she's colorful.

5 Q. And I'll take that -- we'll take that back as marked  
6 but not before the Grand Jury until a later time.

7 Now, in your conversation -- and as you sat there do  
8 you recall whether or not when you spoke to Mary Matalin you  
9 knew that Wilson's wife worked at the CIA?

10 A. As I -- this was before my call with Tim Russert and  
11 at the time of that conversation I don't believe that I knew  
12 that his wife worked at the CIA. Of course, I had written  
13 those notes a month earlier or so, but I had forgotten them,  
14 as best I recall.

15 Q. And if Mr. Grossman had told you about that as well,  
16 you did not remember that conversation when you spoke on this  
17 date with Ms. Matalin?

18 A. Correct.

19 Q. And if you had discussed this with the Vice  
20 President earlier in the week, you did not remember discussing  
21 that at the time of this conversation?

22 A. Correct, sir.

23 Q. And Mr. -- if you had discussed this with Mr.  
24 Fleischer over lunch you did not remember that fact at the  
25 time of this conversation?

1 A. As best I recall, when I had this conversation, I  
2 didn't recall that fact. The reason I believe that is because  
3 of my conversation later that night with Tim Russert.

4 Q. And when you --

5 A. Or the next day with Tim Russert. Whenever he  
6 said --

7 Q. And the, the relevant conversation with Tim Russert  
8 where you tell us that he told you about Wilson's wife, you're  
9 clear that that happened either the 10th or the 11th?

10 A. Yes, I believe it was in, in the Chris Matthews'  
11 phone call. The notes with Mary show that I was talking to  
12 her on the 10th and looking to call Russert later that day.  
13 And as I say, I think it was in a second phone call that it  
14 happened, so it would have been the 10th or the 11th. Yes,  
15 sir.

16 Q. You had testified before the break that there was  
17 one call and maybe a second call to follow up, although  
18 perhaps it could have been a single call with, with Russert on  
19 the 10th or 11th?

20 A. Yes, sir.

21 Q. And then a later call after the 14th to complain  
22 again?

23 A. To -- not to Russert but --

24 Q. Okay.

25 A. -- yes.

1 Q. Spoke to his producer, not to Russert?

2 A. That's when, I think, Adam Levine, at our request,  
3 may have called Chris Matthews' producer. Yes, sir.

4 Q. Okay. You did not talk to Russert again about --

5 A. No, sir.

6 Q. -- the Wilson matter after these one or two calls on  
7 the 10th and 11th of July?

8 A. To the best of my recollection, no, sir.

9 Q. Now, when you called Mr. Russert, were you calling  
10 him as a source?

11 A. No, I was off-the-record. I was trying to get his  
12 help to intercede with Chris Matthews.

13 Q. And you were calling him in his capacity as a Bureau  
14 Chief, as a supervisor, not as much as a reporter?

15 A. I was calling him as a person who might have  
16 influence on Chris Matthews. In my sense he had some  
17 responsibilities as a Bureau Chief. Yes, sir.

18 Q. When you met with Pincus before the June 12th  
19 article, you were going to him as a reporter to give him the  
20 administration's point of view. Correct?

21 A. Yes, sir.

22 Q. When you met with Judith Miller on July 8th you went  
23 to her as an administration official talking to a reporter to  
24 give her the background of the full story?

25 A. Correct, sir.

1 Q. When you called Russert, were you calling him as  
2 manager or as a reporter?

3 A. I was not trying to get him to write a story. I was  
4 trying to get him to exercise influence on Chris Matthews. I  
5 don't know technically whether he is the manager of Chris  
6 Matthews, but he's got a lot of -- he's a respected figure in  
7 the news industry and I thought moral persuasion from Tim  
8 Matthews -- from Tim Russert would have some influence but he  
9 chose not to exercise it as far as I can tell.

10 Q. And when he told you the name of the producer you  
11 recall that might have been the name Shapiro that you had to  
12 call, do you know if you wrote it down?

13 A. I don't know if I wrote it down. There is a sheet  
14 where I have that name written down. I'm not sure whether  
15 it's the sheet -- a sheet I had when I was talking to Tim  
16 Russert. I might have just remembered it at that point. I  
17 did at some point write down that name and -- but whether it  
18 was with Russert or not, I don't know, sir.

19 Q. Okay. Now, when he told you -- and, and what's your  
20 best recollection of the words Russert used concerning  
21 Wilson's wife, what he said?

22 A. Did you know that his wife, or Ambassador Wilson's  
23 wife, Wilson's wife, whatever he said, did you know that his  
24 wife works at the CIA?

25 Q. And you said?

1 A. No, I don't know that.

2 Q. And his response?

3 A. Yeah, all the -- something like yes, yeah, all the  
4 reporters know it.

5 Q. And your response?

6 A. No, I don't know that. I wanted to be clear that I  
7 wasn't confirming anything.

8 Q. And why were you so concerned that you didn't  
9 confirm anything to Mr. Russert about something you weren't  
10 providing him?

11 A. I just -- because sometimes reporters will call you  
12 with something that you don't know and try and get you to  
13 confirm it. Sometimes reporters will call you and try to get  
14 you to confirm something. You may or may not know what  
15 they're calling you with is true or not. For example, before  
16 the President took a trip to the Azores before the Iraq war  
17 there were rumors among the press that he was going to go to  
18 the Azores and some reporters called me and said, "hey, we  
19 hear the President's going to the Azores, doesn't that mean  
20 everything's falling apart?" And I had to be very careful in  
21 talking to them to say, I can't -- I don't know anything about  
22 whether he's going to the Azores, I'm not confirming anything  
23 about whether he's going to the Azores, that sort of thing. I  
24 wanted to make sure that they didn't play off what I said to  
25 be, you know, confirmation they could then go out and print

1 something, and I didn't want him thinking any -- that I was in  
2 any way confirming something about the wife because at the  
3 time I didn't know it.

4 Q. And at the time did you think there was anything  
5 sensitive about whether his wife worked at the CIA that you  
6 wanted to make sure that you weren't a confirming source for  
7 that fact?

8 A. Not sensitive in the sense of a classified factor or  
9 anything. I didn't know it. I didn't -- I had forgotten what  
10 I knew, and I didn't know if it was true or false or anything.  
11 I didn't want to be a confirmation of that.

12 Q. And as you sit here today, do you have a specific  
13 recollection of remembering that you had forgotten that you  
14 knew that Wilson's wife worked at the CIA?

15 A. As I sit here today I have a specific recollection  
16 that I was surprised when Tim Russert said it, and I thought  
17 during that conversation -- when I said, "I don't know," I  
18 thought I was actually being truthful. I was being truthful,  
19 I didn't know as I sat there.

20 Q. And again, if Marc Grossman had told you in the past  
21 that Wilson's wife worked at the CIA, your testimony is you  
22 had forgotten that as of the time you spoke to Tim Russert on  
23 July 10th or 11th? Is that correct?

24 A. Correct, sir.

25 Q. And it's your testimony that to the extent that the

1 notes show that you had a conversation where Vice President  
2 Cheney, had told you some time prior to the Pincus article  
3 that Wilson's wife worked in the functional office of  
4 Counterproliferation, that you had forgotten that as of the  
5 time of the July 10th or 11th conversation? Correct?

6 A. Yes, sir.

7 Q. And as you sit here today if Cathie Martin had  
8 discussed with you prior to July 10th that Wilson's wife had  
9 worked at the CIA, your testimony is that you had forgotten  
10 that fact by the time you spoke to Tim Russert on July 10th.  
11 Correct?

12 A. I'm sorry, repeat that one again.

13 Q. If, if Cathie Martin had told you about Wilson's  
14 wife working at the CIA prior to July 10th, it's your  
15 testimony that you had forgotten that fact when you spoke to  
16 Tim Russert on July 10th?

17 A. My testimony is I don't remember Cathie doing that,  
18 and I was surprised on July 10. I don't mean to say that if  
19 she told me, that I forgot it in those two days, I just don't  
20 recall her telling me that at all. And -- yes.

21 Q. And it's your testimony that if you had discussed  
22 Wilson's wife with Ari Fleischer over lunch that Monday, July  
23 7th, that you did not recall it at the time that you spoke to  
24 Tim Russert on July 10th or 11th?

25 A. My recollection is that I was surprised when Tim

1 Russert told me this fact, and told me that all the reporters  
2 knew that. And from that I think I wasn't knowledgeable about  
3 it earlier in the week, just because I didn't remember it when  
4 he told me on July 10th and those were only a few days  
5 earlier. And that's just -- that is what I -- what left, what  
6 left the impression with me was when Russert said it, and I  
7 don't recall those earlier, those earlier conversations.

8 Q. And what did you do after -- and did Russert tell  
9 you who the reporters were, any of the reporters were, who  
10 were saying that Wilson's wife worked at the CIA?

11 A. No. No, sir.

12 Q. And did you check with the Press Office to tell  
13 people, hey, have you guys heard what all the press are  
14 saying, that Wilson's wife works at the CIA?

15 A. No, sir.

16 Q. Had anyone told you from the Press Office that we've  
17 been getting calls from the press calling up to find out if  
18 Wilson's wife works at the CIA?

19 A. I don't recall any discussion with the Press Office  
20 about that.

21 Q. And what did you do as a result of the fact that  
22 Russert told you something that you believed, you believed at  
23 the time was new to you, the fact that Wilson's wife worked at  
24 the CIA?

25 A. I don't believe I really did much of anything, but

1 | there were subsequent events that I can describe for you if  
2 | you wish.

3 |       Q.    Did you tell the Vice President about Russert  
4 | informing you this curious fact that Wilson's wife worked at  
5 | the CIA?

6 |       A.    I don't recall if I told the Vice President at that  
7 | time what had been told to me.  I'm not sure if I saw him at  
8 | that time and had a chance to tell him.  I don't, I don't  
9 | recall telling him at that time.

10 |       Q.    What's the next conversation you recall where you  
11 | discussed Wilson's wife's employment with anyone?

12 |       A.    On what I believe to be the 11th, so I think later  
13 | the same day I heard from Tim Russert.  We were still waiting  
14 | for Director Tenet's statement to come out and that was  
15 | holding us up from getting our story out because once, once  
16 | Director Tenet's statement came out we would have on the  
17 | record that the Vice President hadn't asked for the mission,  
18 | and didn't get the reports, etcetera, etcetera, so we were  
19 | waiting for Director Tenet's statement to get out and it was  
20 | still taking shape even as we went through the day of the  
21 | 11th.

22 |               Towards the end of the day I went to see Karl Rove  
23 | to tell him where I thought we were on getting Director  
24 | Tenet's statement out which would be a very useful thing that  
25 | we were all waiting to get out.  And I went up to Karl Rove's

1 office and told him about where we were on Director Tenet's  
2 statement, that I thought we were going to get some useful  
3 stuff out of Director Tenet's statement, I wasn't sure that we  
4 were going to get everything that we would have wanted out of  
5 Director Tenet's statement. And during this conversation Karl  
6 Rove said to me that he had had a conversation with Bob, Bob  
7 Novak. And I thought that -- my sense was that it was recent,  
8 although I didn't -- I don't know what gave me quite that  
9 sense. And he told me that Bob Novak had told him that -- Bob  
10 Novak had told -- Karl Rove told me that Bob Novak had told  
11 Karl Rove that he was going to be writing about Ambassador  
12 Wilson, my sense was that weekend, and that he had run into  
13 Ambassador Wilson in the Green Room. A Green Room is, in  
14 case, like me -- you know, if people don't know what that is,  
15 is the room that people sit in when they're waiting to go out  
16 on a television show, like the Chris Matthews show. They give  
17 you fruit and coffee and you sit there waiting for your turn  
18 to go on the air. And Karl Rove told me that Bob Novak had  
19 run into Ambassador Wilson in a Green Room at some point and,  
20 you know, had a bad taste in his mouth after running into  
21 Ambassador Wilson. I've forgotten exactly what it was, but  
22 somehow Ambassador Wilson sort of turned him off. And that he  
23 also -- that, that Bob Novak had concerns as to how Ambassador  
24 Wilson came to be chosen for this mission because Ambassador  
25 Wilson, in Novak's view, as related to me from what Karl had

1 taken away from his phone call, Ambassador Wilson had -- might  
2 not be a fair and impartial reporter of all this, might have  
3 an axe to grind. And then the third thing that Karl told me  
4 was that Novak had told Karl that Ambassador Wilson's wife  
5 worked at the CIA. So this was confirmation of a sort, from  
6 what I had heard from Tim Russert that all the reporters know  
7 that Ambassador Wilson's wife works at the CIA. This was on  
8 the 11th, as I understand it.

9 I told Karl that I had heard from Tim Russert that  
10 Ambassador -- the same thing, that the ambassador's wife works  
11 at the CIA and that, that he -- that Karl -- that Tim Russert  
12 had told me that all the reporters know this. I don't  
13 remember the exact order of this conversation, but that's the  
14 sum and substance of what, of what we talked about with regard  
15 to that.

16 Q. First of all, do you know where the conversation  
17 took place?

18 A. Karl Rove's office.

19 Q. And if July 6th was a Sunday, so the 9th would be a  
20 Wednesday, the 10th is a Thursday and the 11th a Friday --

21 A. Correct.

22 Q. -- do you know which day of the week it was, which  
23 day or date?

24 A. It was after my conversation with Tim Russert, so I  
25 believe it was on the 11th, but I'm not -- it was certainly

1 after my conversation with Russert on the 10th. I believe it  
2 was on the 11th.

3 Q. And whatever day it was, you recall it being in the  
4 evening?

5 A. I tend to believe it was late in the day but, you  
6 know, in the West Wing everything feels like evening. There  
7 are not a lot of windows and I just don't -- I don't recall  
8 for sure. What I recall is being towards the end of the day  
9 because I had a pretty good sense of where Director Tenet's  
10 statement was coming out, but it wasn't yet out, but I had a  
11 feeling that, you know, we're not going to get everything that  
12 we'd hoped to get.

13 Q. Whatever -- it was either after the -- it could be  
14 afternoon or evening but it wasn't the morning as far as you  
15 recall?

16 A. I don't. This is pushing my memory, sir, but I  
17 don't, I don't think -- my sense was it was later in the day,  
18 but I don't have anything --

19 Q. And did you tell Karl Rove how you had responded to  
20 Tim Russert when he told you the fact that Wilson's -- that he  
21 believed that Wilson's wife worked at the CIA?

22 A. I don't -- you mean, when I said that I don't know?  
23 I don't think so, I don't know, I don't think so.

24 Q. Did Karl Rove tell you what, if anything, he had  
25 said to Mr. Novak when Mr. Novak told him that he believed

1 Wilson's wife worked at the CIA?

2 A. No, Karl, you know, was animated that -- Rove was  
3 animated that Novak was animated about this. Novak's got a  
4 thing about this, he's writing about it sort of thing. He  
5 didn't tell me what he said back to Mr. Novak.

6 Q. Did he tell you one way or the other whether he told  
7 Novak, I know that too, or I didn't know that?

8 A. No, he didn't say anything like that.

9 Q. And what was Karl's reaction to the information and  
10 the fact that Mr. Novak was writing a column?

11 A. That Mr. Novak was -- I'm sorry, sir?

12 Q. Was writing a column about this?

13 A. He didn't give me a -- it was a fact. Novak's going  
14 to write about it.

15 Q. You had been sort of beaten up all week, the  
16 administration, both the President and the Vice President,  
17 about all the allegations stemming from the Wilson story. Was  
18 there a sense of relief that finally somebody is going to  
19 write something that will sort of respond to this?

20 A. He didn't use any words about that. He didn't seem  
21 distressed that he was writing about it. I think he thought  
22 it was a good thing that somebody was writing about it. But  
23 it was more body language and the tone in which he said things  
24 rather than any words he used, as I recall. And the more  
25 important thing to me was that the Tenet statement was about

1 to come out, and the Tenet statement was going to have, you  
2 know, directly on the facts rebut the things that Ambassador  
3 Wilson had been saying.

4 Q. And were you pleased that a story was coming out  
5 that weekend or thereafter about Wilson's background?

6 A. It didn't seem to me to be a key element, as key as  
7 the Tenet statement. I was really focused on the fact that  
8 the Tenet statement -- I hoped it would be a little better  
9 than it looked like it was going to be, but I was -- it was  
10 good enough, I thought, and I was eager to see it come out.  
11 Unfortunately, it still wasn't out when I talked to him, which  
12 as I say, I think was afternoon, and I was afraid that by the  
13 time it came out it would miss the evening news. Now, there's  
14 a timing to these things. If things don't come out at a  
15 certain time of day you end up just getting in the overnight  
16 newspapers. The overnight newspapers would be the Saturday  
17 papers which are probably the least attended to papers of the  
18 week. And so the timing was -- it was great to get the Tenet  
19 statement out but it looked like it might actually miss the  
20 evening news that night and we were eager to get it out, get  
21 the truth out.

22 Q. Putting the Tenet statement aside, were you happy  
23 that Mr. Novak was going to write a column responding to Mr.  
24 Wilson's allegations?

25 A. Well, I didn't know what Mr. -- I didn't know what

1 Mr. Novak was going to say in his column, so if he said the  
2 right things, I'd be happy about it. I was glad somebody  
3 would be out there saying -- if he was going to address the  
4 merits. There were plenty of merits at this point including  
5 that we had all denied that the Vice President had sent him  
6 out. If that was in the column, that would be good. The  
7 stuff about the Green Room, I didn't see how that would, you  
8 know, I -- if, if, if Mr. Novak wrote a column which basically  
9 went at it the way Karl was saying, which is to go after the  
10 arguments about, you know, why did they pick this guy, I  
11 actually thought that would be something of a distraction  
12 because the real argument was here, was not so much why they  
13 picked him, it was the facts were clear that we didn't ask for  
14 it, no report came back to us. The report that came back, the  
15 NIE, and the January 24 document, were clear that Iraq was not  
16 seeking uranium from Niger. So there was no need to get dancy  
17 on this point and come around the sides. The straight ahead,  
18 here's what the facts are would be the better story. That's  
19 what I most wanted to come out.

20 Q. But sir, if people are saying the Vice President  
21 sent Wilson to Niger, and he didn't, isn't it fair to say the  
22 logical common man on the street question is, well, if the  
23 Vice President didn't send him, who did?

24 A. Yes.

25 Q. And if the story comes out, it's his wife who sent

1 | him, doesn't that make it more powerful an argument to say  
2 | see, we told you Mr. Cheney had nothing to do with it?

3 |       A.    If it came out that way, but I don't think I knew at  
4 | that point that it was his wife who sent him. All I knew is  
5 | his wife worked at the CIA. Thousands of people work at the  
6 | CIA. The, the point about it was his wife who suggested it, I  
7 | don't think I knew until the 14th when the column appeared.

8 |       Q.    And what was it --

9 |       A.    If you had told me that, if somebody said, yes, it  
10 | was going to be clear in the column that it wasn't us, that it  
11 | was the CIA who sent him, that would have been a good fact.  
12 | Yes, sir.

13 |       Q.    What occasioned you and Mr. Rove to talk about the  
14 | fact that the two reporters knew that Wilson's wife worked at  
15 | the CIA?

16 |       A.    Well, as I say, I came up to his office to tell him  
17 | about the Tenet statement. That the Tenet statement was about  
18 | to come out, you know, it was something we were waiting for.  
19 | You know, it was in our interest to get that statement out to  
20 | the press, the statement might come out too late for the  
21 | evening news and it might be some need to try and get the  
22 | statement out over the weekend to make sure people paid  
23 | attention to it, so I went up to talk to him about that. And  
24 | it was in that context that, that we talked about this  
25 | other --

1 Q. And did you know if you told Rove about whether or  
2 not Mr. Novak had called you that week?

3 A. I don't, I don't -- no, I did not tell Mr. Rove that  
4 I had -- Mr. Novak had called me that week. I don't know that  
5 I had spoken to Mr. Novak that week and, you know, my  
6 recollection is hazy on when I spoke to him, but I'm still  
7 sort of persuaded by my note that I didn't talk to him until  
8 later, but I don't know.

9 Q. And did you talk to Andrea Mitchell during this time  
10 frame about Wilson and his wife?

11 A. I talked to Andrea Mitchell some time after I spoke  
12 to Tim Russert. I don't know exactly when it was other than  
13 it was after I spoke to Mr. Russert. I noticed later that NBC  
14 put out a statement about Andrea Mitchell and said that, that  
15 whoever she spoke to about this, she spoke to after the 14th.  
16 But I don't know -- I don't recall when I spoke to her.

17 Q. When you did speak to Andrea Mitchell, do you recall  
18 discussing Wilson's wife with her?

19 A. What I recall for sure is an awkward moment in that  
20 I was talking to her about all this, and I remember sort of  
21 being concerned about talking to her about the wife because  
22 Tim Russert had told me about it, and he had said all the  
23 reporters know. And as I was talking to her, I realized that  
24 I didn't know if Andrea Mitchell knew, and if Andrea Mitchell  
25 didn't know and I told her that, that I had heard this, and

1 she asked me where it was, I didn't want to lie to her and I  
2 didn't want to tell her -- it's a little bit convoluted -- I  
3 didn't want to tell her that Tim Russert had told me it if in  
4 fact Tim Russert had not told her because I didn't want to get  
5 her mad at Tim Russert for not having shared something with  
6 her that he had shared it with me, and that's what I most  
7 recall about it. I may have gone on to talk to her about --  
8 that part I don't really recall -- but I recall this sort of  
9 dilemma about, about --

10 Q. So do you know whether or not you discussed Wilson's  
11 wife with her?

12 A. I don't recall whether I discussed Wilson's wife  
13 with her. I -- but I -- what I recall is this dilemma about  
14 not wanting to, to get her mad at Tim Russert and therefore  
15 get Tim Russert mad at me.

16 Q. So -- and let me make sure I understand this. So  
17 either you talked about it with her and you were worried as  
18 you talked about with her that you may reveal to her that Tim  
19 Russert had told you, or you didn't discuss it but you had the  
20 concern as the conversation was going that if it came up you  
21 might reveal that Tim Russert had told you?

22 A. Correct. I had the concern, yes, that's correct.

23 Q. Now, would that in your mind fix the conversation  
24 with Andrea Mitchell before July 14th when Novak's column  
25 would have printed that Wilson's wife worked at the CIA?

1 A. No, I don't, I don't know when it was. It was some  
2 time after Russert, I'm sure of that. It may have been, it  
3 may have been before the 14th. The only thing that fixes is  
4 the NBC statement that Andrea Mitchell didn't talk about this  
5 until after the 14th. But I don't, I don't know.

6 Q. Well, if Novak had already published in the  
7 newspaper that Wilson's wife worked at the CIA, why would you  
8 be concerned that you might tip her hand that you knew  
9 something?

10 A. I was afraid that she might ask me, you know, is  
11 this true, or when did you learn this, or something like that,  
12 that's all.

13 Q. And why couldn't you just tell her, I can't comment?

14 A. I could, but I don't usually like to obfuscate in  
15 that way, but I, I could. I just was concerned about --

16 Q. Let me see if I have this correct. You don't know  
17 whether the Mitchell conversation was before or after the  
18 Novak column, but you know it was after the Russert  
19 conversation?

20 A. Correct, sir.

21 Q. And you don't know whether you discussed --

22 A. I know it was after -- I'm sorry. I know it was  
23 after the Russert conversation because I remember having this  
24 dilemma about what I talked about with Tim Russert.

25 Q. And do you remember thinking about the dilemma, that

1 you're concerned that you may reveal to Ms. Mitchell that  
2 Russert told you what reporters know about Wilson's wife?

3 A. That's, that's what stuck in my mind. Yes, sir.

4 Q. And, and as you sit here today you don't know  
5 whether you discussed Wilson's wife with Ms. Mitchell?

6 A. I, I don't recall whether I discussed it with her or  
7 not. What I recall for sure was this dilemma about it.  
8 That's what I recall.

9 Q. And as you sit here today you're obviously saying  
10 that as of that time you didn't recall learning this fact from  
11 the Vice President even though that it had happened earlier.  
12 Correct?

13 A. Correct. Yes, sir.

14 Q. And you don't recall any conversation with either  
15 Grossman, or Fleischer, or Cathie Martin concerning Wilson's  
16 wife. Correct?

17 A. Correct.

18 Q. But you do recall having a thought during a  
19 conversation with Andrea Mitchell that if this comes up, it  
20 could put me in an awkward position because I learned this  
21 from Russert and not from any of those people that I may or  
22 may not have talked to. Correct?

23 A. Correct.

24 Q. Now, did there come a time when you took a trip on  
25 Air Force Two on July 12th?

1 A. Yes, sir.

2 Q. And was that for the purpose of going down to the  
3 christening of the USS Ronald Reagan?

4 A. Yes, sir.

5 Q. And were you accompanied on that trip by your  
6 family?

7 A. Yes, sir.

8 Q. And was it your son's birthday?

9 A. Right, sir.

10 Q. And at that time were there -- reporters had been  
11 calling about various stories during those few days?

12 A. Yes.

13 Q. And was there an outstanding request by a reporter  
14 named Matthew Cooper?

15 A. Yes, sir.

16 Q. And is he with Time magazine?

17 A. Yes, sir.

18 Q. And were there other reporters who had made  
19 outstanding requests at that time?

20 A. Yes, sir. Most of these go to Cathie Martin, but  
21 there were a number of calls in during this period that she  
22 would know about. Often when reporters call for me, they  
23 get -- my assistant will just refer them directly -- either  
24 take a message and refer them to Cathie Martin, or refer them  
25 directly to Cathie Martin so that they can -- she can deal

1 with it. And I think I was not talking to any press, or  
2 generally not talking to press in that period until we could  
3 get the Tenet statement out. So there, there were -- my  
4 impression was that Cathie had a number of calls. The Time  
5 magazine one that she wanted to address.

6 Q. And you recall that the 12th was a Saturday.  
7 Correct?

8 A. Correct.

9 Q. And is it fair to say that on Air Force Two flying  
10 down that you sat up front with the Vice President and your  
11 family on the trip down to the USS Reagan?

12 A. No, sir. I sat with my family on the flight.

13 Q. Okay. And did you do any work on the way down?

14 A. My recollection is no, we did not do work on the way  
15 down.

16 Q. And you didn't do any work other than being there at  
17 the christening of the Reagan?

18 A. Correct, sir.

19 Q. On the way back did you address -- on the return  
20 flight on Air Force Two, begin to address how to respond to  
21 Mr. Cooper and others?

22 A. Yes, sir. Either on the return flight or actually  
23 when we had landed at the return, but it was in that period.

24 Q. And did you have a conversation with Cathie Martin  
25 about what it was that Cooper wanted to know?

1 A. Yes, sir.

2 Q. Okay. Do you recall reviewing an e-mail that came  
3 from Mr. Cooper raising certain questions?

4 A. I recall that there was an e-mail. Yes, sir.

5 Q. And did you -- and when you, when you discussed this  
6 with Cathie Martin is it fair to say that you were in a part  
7 of the plane away from the Vice President?

8 A. Yes, I, I think so, sir.

9 Q. And -- copy of the e-mail -- did there come a time  
10 when you went forward to see the -- let me just show you the  
11 e-mail first. Well, we'll come back to the e-mail.

12 Did there come a time you went forward to talk to  
13 the Vice President about how to respond to Mr. Cooper from the  
14 Post?

15 A. Yes, sir.

16 Q. Okay. And did you go forward with Cathie Martin or  
17 alone?

18 A. I don't recall. I think I was alone but I don't  
19 recall. She may have been with me.

20 Q. And did you discuss with the Vice President what it  
21 was that you were to say to the press?

22 A. Yes, sir. It was actually just a -- to give a  
23 fuller answer to your question one or two ago, I went forward  
24 to talk to the Vice President about what we were going to do  
25 about getting the Tenet statement out, answering the Time --

1 | the questions from Time. But it was more -- it was broader  
2 | than just the Time magazine questions. It was the whole issue  
3 | of now the Tenet statement was out, what would we do?

4 | Q. And did you have a discussion with the Vice  
5 | President about what would be said to the press, in what  
6 | language, and who would be the person to say it?

7 | A. Yes, sir.

8 | Q. And what do you recall the Vice President telling  
9 | you?

10 | A. Vice President was -- dictated to me what he wanted  
11 | me to say to the press. He specifically said he wanted me to  
12 | make the statement on-the-record to Time magazine because he  
13 | wanted it, he wanted it, he wanted it to draw -- he wanted it  
14 | to get some attention. And he felt if I put my name on it, it  
15 | would get more attention than just a senior administration  
16 | official, or however else they wrote it up. So he dictated  
17 | things for me to say and he instructed me to say it -- with  
18 | Time magazine, to give it basically word-for-word quote that  
19 | he dictated, some background material that he wanted me to  
20 | use, and for me -- with regard to the quote to use my name,  
21 | which I don't usually do.

22 | Q. And did you actually write down word-for-word what  
23 | it is that he wanted you to say?

24 | A. I did, sir, on a card that I turned over to you all.

25 | MR. FITZGERALD. Okay. Why don't we jump to that.

1 MS. KEDIAN. Okay.

2 MR. FITZGERALD. That's Bates 2892 and 2893, the  
3 originals. Sorry about that. We can come back to e-mail if  
4 we need to but --

5 BY MR. FITZGERALD:

6 Q. And before we get to the text of it, did the Vice  
7 President indicate who should actually speak to the reporters,  
8 as between you and the press people?

9 A. Yes, he wanted me to do it, is that what you mean?  
10 Yes, he wanted, he wanted the press people, meaning Cathie  
11 Martin?

12 Q. Yes.

13 A. He wanted me to do it.

14 Q. And why did he want you to speak to the reporters as  
15 opposed to Cathie Martin using your name?

16 A. Well, usually when you give a -- you could give a  
17 statement from Cathie Martin to me, but he wanted me to give  
18 the statement. He wanted to make sure it was done exactly  
19 correctly and he wanted me to give it in name, and so I  
20 called -- so I was the one who called.

21 Q. And is it fair to say that sometimes you would have  
22 a press person give an exact statement, a quote, in your name  
23 if you write it out and say, call a reporter, here's what I  
24 have to say, and attribute it to my name?

25 A. Yes, they could, but in this case he wanted to not

1 just a direct on-the-record statement but also some points on  
2 deep background and background, as we discussed earlier today,  
3 and those there was no direct text for. That was something  
4 you would have to talk your way through and he wanted me to do  
5 that.

6 Q. Okay. And do you recall what he told you to say on  
7 background and deep background?

8 A. It's in the notes. But my recollection was that he  
9 wanted me to say -- first, he had a long direct quote. On  
10 background, deep background, he wanted me to talk about the --  
11 what was in the NIE, I think, that Director Tenet had now  
12 talked about on the record. It would be faster if I looked at  
13 the --

14 Q. Yes, why don't you take a look at the notes.

15 A. Thank you. Thank you.

16 Q. If we could focus on the back of 2893.

17 MS. KEDIAN. It's a different number for him.

18 MR. FITZGERALD. Oh, I'm sorry. The back of the  
19 card.

20 WITNESS. Yes, sir. Where it says deep background?

21 MR. FITZGERALD. Yes, well --

22 MS. KEDIAN. It's 1734.

23 BY MR. FITZGERALD:

24 Q. I'm sorry, the first page. Was there a reference  
25 here crossed out --

- 1 A. Magazine --
- 2 Q. -- deny, deny Wilson, VP --
- 3 A. -- VP link.
- 4 Q. -- link --
- 5 A. Yes.
- 6 Q. -- and then on record?
- 7 A. Yes. In other words, if I could explain? The top
- 8 part of this page are notes that I had made to talk about with
- 9 him when I got some time with him, which would -- on the way
- 10 back or on the ground, and I had written down the magazines as
- 11 a reference to Time and Newsweek. Time -- both Time and
- 12 Newsweek had calls into us. And the question that I was
- 13 writing down, does he want us to deny the VP/Wilson link on
- 14 the record. Does he want me to, you know, do you want to do
- 15 it on the record either in his name, my name or Cathie's name
- 16 or somebody's name? And we covered that point and I crossed
- 17 out the line. And then he dictated what he wanted us to say.
- 18 Q. Okay. And then the dictation on the first page of
- 19 this card has on the record on the left column?
- 20 A. Yes, that's correct.
- 21 Q. And if we could turn to the other side of the
- 22 column -- card, if you could transliterate what this card
- 23 says?
- 24 A. Under deep background, sir, or the whole thing?
- 25 Q. The whole thing.

1 A. VP was maybe unaware of Joe Wilson trip and didn't  
2 know about it until this year when it became public after the  
3 State of the Union.

4 Q. And what was the part that was crossed out? You  
5 said, did not know anything?

6 A. Did not know anything, right. He, he got more  
7 specific.

8 Q. And then if you could read what it says under deep  
9 background?

10 A. Only written record of Wilson trip included a  
11 statement that the former Prime Minister of Niger was saying  
12 that he had been approached by the Iraqi officials in what he  
13 believed to be an official -- to be an effort to acquire  
14 uranium in 1999. That's the point from the second part of the  
15 Wilson cable, and he thought on deep background I should make  
16 sure that people understood that.

17 Q. Okay. And the next bullet point?

18 A. He didn't see this until recently. That he saw the  
19 NIE last fall, which I, meaning the Vice President, took to be  
20 authoritative. This is all stuff to say on deep background.

21 Q. And then the next reference?

22 A. Deep background, as an administration official as  
23 opposed to, I guess, deep background, a senior administration  
24 official. That I should give a straight report on the NIE  
25 which was covered in -- also covered in Tenet's statement and

1 not Report said -- oh, that the NIE said that the -- it was  
2 the NIE, not the, not the Wilson report, I guess, that said  
3 that Iraq had begun to vigorously pursue trying to procure  
4 uranium. So that I think there was some ambiguity in the  
5 Tenet statement. He wanted it very clear that it was the NIE  
6 six months after Wilson's trip where the CIA and the  
7 intelligence community was saying affirmatively that they had  
8 tried to procure uranium, and that's what he had taken to be  
9 authoritative.

10 Q. Okay. And at this point do you know if you talked  
11 to Vice President Cheney about the 12th about the conversation  
12 you believe you had on the 11th, perhaps the 10th, with Mr.  
13 Russert, and then later with Mr. Rove where reporters were  
14 indicating that Wilson's wife worked for the CIA?

15 A. I don't recall. It's not on my list here of things  
16 to raise with him that day. I don't recall if I talked about  
17 it to him the previous night.

18 Q. And you recall discussing with Rove, but you don't  
19 recall whether you discussed it with the Vice President?

20 A. Correct. I recall with Rove in part because of the  
21 Novak bit that he had done. I don't recall whether I  
22 discussed it with the Vice President. I'm not sure if I -- I  
23 don't know that I saw him in, in that sort of a setting after  
24 my discussion with Rove because my discussion with Rove may  
25 have been later in the day, and I had no private time with him

1 in the morning, and then I went into this. So I don't, I  
2 don't recall.

3 Q. And to the extent that it was written out pretty  
4 much verbatim what your statement would be on the record.  
5 Correct?

6 Q. Yes, sir.

7 Q. And it's written out verbatim what your statement  
8 would be on deep background. Correct?

9 A. Just about. Yes, sir.

10 Q. And why couldn't you allow Cathie Martin, the press  
11 person, to make the calls and attribute the statement to you?

12 A. I did what he told me to, sir. He said he wanted me  
13 to make the call. He was concerned that he wanted it done  
14 right. He said, I want you to make the calls. Cathie Martin  
15 went with me and sat with me and listened to me as I made the  
16 call to Cooper, but he wanted me to make the call, I didn't  
17 fight it. He said me make the call, I made the call.

18 Q. Did you get the sense that he had any concerns about  
19 whether she could handle this correctly?

20 A. I think he felt he had more confidence in me making  
21 this call, especially when it got into this stuff about the  
22 NIE, which I was more familiar with than Cathie. He had  
23 confidence that I would be able to get it out --

24 Q. And --

25 A. -- in a better fashion.

1 Q. -- tell us about the calls you made to the, to the  
2 press.

3 A. We went into a lounge at -- we were on the airplane  
4 and we needed a land line phone or, you know, a phone where we  
5 could have a good connection. So we went into the lounge at  
6 Andrews Air Force Base, and we found a phone that we could  
7 use. And we sat down to make the phone calls, we being Jenny  
8 Mayfield, my assistant; Cathie Martin; and I. And we tried to  
9 call three or four reporters at that point. Matthew Cooper  
10 from Time Magazine; Evan Thomas, who had calls into us from  
11 Newsweek magazine; Glen Kessler from the Washington Post; and  
12 later I talked to Judith Miller. I think we tried her then  
13 but I'm not sure if we didn't try her later. And I wanted  
14 to -- you know, it was a Saturday, everybody had spent the  
15 whole day doing this commissioning ceremony and I wanted to  
16 get everybody out of there, so we tried to place all the calls  
17 right there from Andrews while we were all together. We were  
18 unable to reach Glen Kessler at first. Well, we did reach him  
19 shortly thereafter. We were unable to reach Evan Thomas at  
20 all for a while but we did reach him later. And -- but we did  
21 reach Matthew Cooper while we were sitting in the lounge and  
22 so I had a conversation with Matthew Cooper in the lounge.

23 Q. And what did you tell Matthew Cooper?

24 A. I had not met Matthew Cooper before, so Cathie  
25 introduced us. She said that, you know, we wanted to have

1 | this phone call in response in part to his questions, that  
2 | some of the conversation would be on-the-record, some of it  
3 | would be on deep background, some of it might be off-the-  
4 | record, but we would have different layers of, of press  
5 | conversations.

6 |           So I -- after she finished that preliminary, I  
7 | talked to him about the Tenet statement and I gave him this  
8 | quotation on-the-record that we had here, and I think I also  
9 | covered some of these background points with him in the phone  
10 | call. And so I went through that, that the Vice President had  
11 | asked a question that -- this is same thing, isn't it?

12 |         Q.    Without --

13 |         A.    Yes.

14 |         Q.    -- repeating -- without repeating what is in the  
15 | statement that had been agreed that you would tell him, did  
16 | you have a discussion with Mr. Cooper about Wilson's wife?

17 |         A.    Yes, sir.

18 |         Q.    Okay. Tell us about that conversation.

19 |         A.    I went through -- just a little bit of preliminary.  
20 | I went through these points and I went through what Tenet had  
21 | said that, you know, the day before in his statement, you  
22 | know, I hope you noticed Director Tenet's statement the day  
23 | before, which is why we were making these calls, which said  
24 | that I -- that he hadn't made the, he hadn't made the request  
25 | and he hadn't gotten the reports on it. And after all of

1 | that, Matthew Cooper said, "well then why does Wilson say it?"  
2 | And you know, I was a little taken aback because here we have  
3 | the Director of Central Intelligence saying the Vice President  
4 | didn't request it, the Vice President saying he hadn't  
5 | requested it in his statement, White House spokesman etcetera,  
6 | etcetera. And instead of sort of saying, oh, well, I see that  
7 | he didn't request it, he said, well, why does Wilson say it?  
8 | Wilson, of course, had said earlier in the week that someone  
9 | had told him that the Vice President had asked for his  
10 | mission. So I said, well, I don't know why he said it. You  
11 | know, I said, we're off-the-record, and he agreed. And I  
12 | said, someone -- I don't know why he said it, but I would have  
13 | thought -- off-the-record, I would have thought that, that the  
14 | CIA wouldn't tell somebody who is going on a mission who asked  
15 | about it. And you know, conversation the Vice President has  
16 | about these things are supposed to be confidential. But if he  
17 | did -- if they did officially -- they wouldn't officially tell  
18 | such a thing. If they did officially tell someone, they would  
19 | tell them the right thing, which was that the CIA decided to  
20 | do it, which is what Director Tenet had said in his statement  
21 | the day before. So I wouldn't have thought that officially he  
22 | heard this, which -- but it -- you know, it's possible he  
23 | heard something unofficially. And if he heard something  
24 | possibly unofficially, you know, maybe he knows somebody there  
25 | and somebody said something to him that was wrong because it

1 was unofficial. And in that context, I said, you know, off-  
2 the-record, reporters are telling us that Ambassador Wilson's  
3 wife works at the CIA and I don't know if it's true. As I  
4 told you, we don't know Mr. Wilson, we didn't know anything  
5 about his mission, so I don't know that it's true. But if  
6 it's true, it may explain how he knows some people at the  
7 Agency and maybe he got some bad skinny, you know, some bad  
8 information. So that was the discussion about Ambassador  
9 Wilson's wife.

10 Q. And his response?

11 A. I don't recall specifically what he said about that.  
12 I recall the response, "why does he say it," because that's  
13 what led into this conversation.

14 Q. And it's your specific recollection that when you  
15 told Cooper about Wilson's wife working at the CIA, you  
16 attributed that fact to what reporters --

17 A. Yes.

18 Q. -- plural, were saying. Correct?

19 A. I was very clear to say reporters are telling us  
20 that because in my mind I still didn't know it as a fact. I  
21 thought I was -- all I had was this information that was  
22 coming in from the reporters.

23 Q. And at the same time you have a specific  
24 recollection of telling him, you don't know whether it's true  
25 or not, you're just telling him what reporters are saying?

1 A. Yes, that's correct, sir. And I said, reporters are  
2 telling us that, I don't know if it's true. I was careful  
3 about that because among other things, I wanted to be clear I  
4 didn't know Mr. Wilson. I don't know -- I think I said, I  
5 don't know if he has a wife, but this is what we're hearing.

6 Q. Did you have any further conversation about Wilson  
7 and his wife with Cooper during this phone call?

8 A. I don't think so and I don't think I had a  
9 subsequent phone call with him. That was it for Mr. Cooper.

10 Q. And consistent with your practice would Cooper have  
11 to call you back to verify the quote in his article to say  
12 here's what, what I attribute to Lewis Libby?

13 A. No, that -- this would be an exception because I  
14 gave it to him on-the-record the first time, and I read it,  
15 and I read it slowly so that he could get it down correctly.

16 Q. And any other reporters that you discussed Wilson's  
17 wife with on that day, July 12th?

18 A. Yes, sir. I talked to three other reporters that  
19 day. Towards the end of the day I believe I talked to Judith  
20 Miller, and I know that I discussed it with Judith Miller, New  
21 York Times, and the discussion was pretty much as I just  
22 described with Ambassador -- excuse me, with Matthew Cooper.

23 Q. Why don't you describe the conversation for us?

24 A. I said, that -- I went through all about the Tenet  
25 statement, that the Tenet statement had just come out, you

1 know, please pay attention to the Tenet statement which said  
2 that we didn't know about the trip, that we didn't get the  
3 report, that the report was not definitive, that the NIE  
4 actually comes out and says that Iraq had begun to vigorously  
5 pursue acquiring uranium, and that -- and I did not use this  
6 text, as an exact quote, I did not use it exactly again, but I  
7 went through some of the same points with her. And I don't  
8 remember exactly how it came up, but I said to her -- sorry,  
9 but I --

10 Q. No, no, I'm just checking for my own self. Please  
11 continue.

12 A. I'm sorry, I don't mean to hold you up here. I said  
13 to her that, that I didn't know if it was true, but that  
14 reporters had told us that the ambassador's wife works at the  
15 CIA, that I didn't know anything about it. But if that were  
16 true, that may explain how he got this unofficial -- I went  
17 through the same officially/unofficially sort of breakdown,  
18 trying to shorten it for you.

19 Q. No, please, don't shorten it. We're --

20 A. Okay.

21 Q. -- we're not going to finish today, break everyone's  
22 heart, so we'll just cover it -- you know, once so we don't  
23 have to cover the Miller conversation again.

24 A. I also spoke to Evan Thomas. And with Evan  
25 Thomas --

1 Q. I just wanted to finish the Judith Miller  
2 conversation. Was there something that triggered it, your  
3 conversation with Judith Miller, to discuss Wilson's wife's  
4 employment in the way that Cooper had asked you, "why is Mr.  
5 Wilson saying this?"

6 A. I think there was. I don't recall exactly what it  
7 was. Something that she said -- I thought something that she  
8 said, I think, triggered it. That's my, my vague recollection  
9 about it. You know, it had been something that was important  
10 to Tim Russert. It was something that, you know, Cooper still  
11 wanted to know at this point and I think partly by the time I  
12 talked to Judith Miller I was thinking, you know, the  
13 reporters seem to have this unopen -- unanswered question, and  
14 the question is, was, Wilson had said that someone had told  
15 him that the Vice President requested the mission. He said  
16 that on national television earlier in the week. And even  
17 with the explanation from George Tenet, it leaves unanswered  
18 this question well, how did he happen to hear it? And so, you  
19 know, I was pretty ready to explain that I didn't think he  
20 would have heard it officially, but he might have heard it  
21 unofficially, but I think there was something that she said  
22 that led me into it.

23 Q. Okay.

24 A. Evan Thomas?

25 Q. Yes.

1           A.    I, I recall, recall that I did reach Evan Thomas  
2 eventually. I was home at this point. And I told Evan  
3 Thomas -- I, I drew his attention to the, to the Wilson  
4 statement -- excuse me. I drew his attention to the Tenet  
5 statement that had come out the day before. Evan was calling  
6 me in part because we were going to meet about something else.  
7 And he said, "I got it," my recollection. In other words,  
8 when I, when I laid out what, what Tenet had said, that we  
9 hadn't asked for it, that we didn't get the report, that the  
10 report was not definitive, that the NIE in fact said -- that  
11 the NIE in fact said that Iraq had been looking for six months  
12 after Wilson's report -- the CIA had not taken Wilson's report  
13 to be definitive, he said he got it, and he wanted to move on,  
14 and I just moved on. So I did not discuss it with Evan  
15 Thomas.

16           Q.    And are you sure you did not discuss it with Evan  
17 Thomas?

18           A.    Pretty sure.

19           Q.    Do you recall being interviewed by the FBI and  
20 telling them you couldn't recall whether or not you discussed  
21 it with Evan Thomas?

22           A.    As I say, I'm pretty sure I did not discuss it with  
23 Evan Thomas because I remember him saying it. I don't recall  
24 discussing it with Thomas. I do think I recall him saying I  
25 didn't -- that I got it, and so I don't think I talked to him

1 about it.

2 Q. And did you talk to Glen Kessler that day?

3 A. I did.

4 Q. Okay.

5 A. We didn't get Glen Kessler -- excuse me. We didn't  
6 get Glen Kessler while we were in the -- at Andrews, but we  
7 got him on a cell phone while we were in the car driving back  
8 from Andrews to my house, which is like a 40 minute drive or  
9 something. And so while Cathie Martin and, and Jenny Mayfield  
10 were still with me, along with my family in the van, I spoke  
11 to him about this stuff. Kessler was, Kessler was, was  
12 contacting me primarily about Colin Powell's February 5th  
13 presentation. He was interested in the origins of the  
14 presentation that Colin Powell had made back on February 5th.  
15 And -- but I think he also wanted to know about this, or in  
16 any case, it was an occasion for me to make sure that he, from  
17 the Washington Post, paid attention to George Tenet's  
18 statement. So we talked a lot about Powell's February 5th  
19 presentation, and we also talked about the, the Tenet  
20 statement. Sorry. Lost thought -- I lost focus there for a  
21 second. We also talked about the Tenet statement at that  
22 point. And what I recall about this conversation was that  
23 Glen Kessler was at the zoo with his kids, and yet he was able  
24 to have this lucid conversation, something that I could never  
25 do with my kids at the zoo on a sunny day with, you know,

1 hundreds of people milling around. And at one point he said,  
2 give me a moment here to get located, and then -- because he  
3 wanted to get someplace where he could see his kids. But then  
4 he was able to have this conversation, which I thought was  
5 pretty impressive actually, and we talked about this stuff.

6 Q. Did you talk about Wilson's wife working at the CIA  
7 with Glen Kessler?

8 A. I don't know for sure. What I -- I believe I did  
9 have a conversation with Glen Kessler about, about Ambassador  
10 Wilson's wife. I tend to think it was later, not in this  
11 conversation, but it was possibly in this conversation. And  
12 so possibly I did. I'm not sure. I'm pretty sure I did have  
13 a conversation with Glen Kessler about Ambassador Wilson's  
14 wife eventually, but I just don't know if it was this  
15 conversation.

16 Q. And do you know if you spoke to, or made attempts to  
17 speak, to Andrea Mitchell that day?

18 A. No. Well, I did speak to Andrea Mitchell at some  
19 point in that period but I don't know if it was before or  
20 after the --

21 Q. And how about Mark Matthews of the Baltimore Sun?  
22 Do you know if there was any effort to speak to him?

23 A. I don't think I did talk to him. I don't know if he  
24 was one of the ones Cathie wanted me to talk to or not. I  
25 don't know Mr. Matthews, Mark Matthews, and I don't, I don't

1 recall if we tried him or not.

2 Q. Do you know if you ever spoke to Mark Matthews about  
3 this topic at all?

4 A. In this weekend, I don't think so in this weekend.  
5 I think it was just those four. But I don't know him. It's  
6 possible. You know, after you've had a few of these  
7 conversations, they run together.

8 Q. One last name, Mike Isikoff. Do you know if you  
9 spoke to him that weekend?

10 A. I don't think so. I do know -- I now know Mike  
11 Isikoff. I don't think I really knew him then. I met him  
12 at -- I had met him but I really had a long conversation with  
13 him subsequent to that, and I don't think I talked to him that  
14 weekend. He would also be Newsweek, so he would be  
15 duplicative of Evan Thomas, I think.

16 Q. We'll wrap -- we're going a little bit late. I'll  
17 just take a minute to wrap something up.

18 When the Novak column came out on July 14th, did  
19 you -- you knew it was coming from your conversation with  
20 Rove. Had you ever heard or seen an advance copy of the Novak  
21 column?

22 A. No, sir.

23 Q. Did anybody indicate to you whether or not anyone  
24 had received a draft column either by fax or by e-mail?

25 A. I've never heard that, sir.

1 Q. And do you have any recollection of when it is that  
2 you discussed with Vice President Cheney, his comments about  
3 whether or not Ambassador Wilson had been sent on this trip by  
4 his wife as a junket?

5 A. I know that there -- that Vice President Cheney  
6 asked -- made some comments like that. I think of them in my  
7 mind as later, you know, later in July or August or later,  
8 asking not so much in me, but just sort of how did he come to  
9 be sent on this? I don't know if he also made them earlier.  
10 That sort of runs together for me.

11 MR. FITZGERALD. Why don't we adjourn --

12 WITNESS. Can I just make one other comment about  
13 this stuff? I get a lot of information during the course of a  
14 day. I probably get -- you know, after this all came up I  
15 sort of for a few days tried to take a census of how many  
16 pages of stuff I get in a day, and I tend to get between 100  
17 and 200 pages of material a day that I'm supposed to read and  
18 understand and I -- you know, I start at 6:00 in the morning  
19 and I go until 8:00 or 8:30 at night, and most of that is  
20 meetings. So a lot of information comes through to me, and I  
21 can't possibly recall all the stuff that I think is important,  
22 let alone other stuff that I don't think is as important. And  
23 so when a lot of this -- a lot of stuff that comes to me, what  
24 I will normally do is I'll gather my staff together and say,  
25 hey, what happened here? You know, there was some meeting we

1 had on, let's say, Iraq. What did, what did people say, or  
2 what happened last week when we had that meeting? Did State  
3 agree to do something, or was the Defense Department supposed  
4 to do something? And we'll sort of pool our recollections of  
5 it and that almost always bring me a fuller recollection of  
6 what's happened. I haven't done that here because as I  
7 understand it, you don't want me to do that here. I'm happy  
8 to do it at some point, but I haven't. So I apologize if my  
9 recollection of this stuff is not perfect, but it's not in a  
10 way that I would normally do these things. I would normally --  
11 in the normal course of what we do in a day, I would bring the  
12 staff together or ask the Vice President and go through all  
13 this, and I haven't done that here, and I apologize if there's  
14 some stuff that I remember and some I don't, but it's -- I'm  
15 just trying to tell you what I do in fact remember.

16 MR. FITZGERALD. Okay. We'll pick it up from  
17 there. I'm going to ask the foreperson to advise the witness  
18 he remains under subpoena. We'll talk with your counsel and  
19 with the Grand Jury about scheduling so we minimize the  
20 disruption, and I apologize. Another matter ran long today  
21 and we'll sort that out at the convenience of yourself,  
22 counsel, and the Grand Jury and us. So thank you. And I  
23 apologize for running a bit over, but we'll see --

24 GRAND JUROR. Thank you, Mr. Libby.

25 WITNESS. Thank you.

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(Whereupon, the witness was excused at 4:38 p.m.)

CERTIFICATE

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I hereby certify that the foregoing is a true and accurate transcript, to the best of my skill and ability, from my stenographic notes/electronic recording.

November 21, 2006  
Date

*Deborah H. Powers*  
Deborah H. Powers, Court Reporter